

Appeal Decision

Site visit made on 18 January 2017

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 February 2017

Appeal Ref: APP/X0360/D/16/3165457

Meadowside, Southbury Lane, Ruscombe RG10 9XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr H Popat against the decision of Wokingham Borough Council.
 - The application Ref 162559 was refused by notice dated 9 December 2016.
 - The development proposed is alterations to an existing dwelling to form a single storey extension and first floor balcony enclosure.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - i) whether the proposal constitutes inappropriate development in the Green Belt;
 - ii) its effects on the openness of the Green Belt and on the purposes of including land within it;
 - iii) its effects on the visual amenity of the Green Belt and on character and appearance of the local area;
 - iv) its effect on biodiversity, with particular reference to Great Crested Newts; and
 - v) if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

3. Meadowside is a large detached house sitting within a spacious plot in the countryside and the Metropolitan Green Belt. It has previously been extended by the addition of a 2 storey wing. This proposal is to add a further, L-shaped, single storey, flat roofed extension with a roof terrace over. This is a revised
-

proposal following on from a previously dismissed appeal¹ relating to a larger part single/part 2 storey extension.

4. Paragraph 87 of the National Planning Policy Framework advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 explains that construction of new buildings should be regarded as inappropriate in the Green Belt, except for listed exceptions. These include (amongst other things) extensions to buildings provided that they do not result in *disproportionate additions* over and above the size of the original building. The Framework does not provide any guidance about the scale of increase that should be considered disproportionate.
5. Core Strategy (CS) Policy CP12, which pre-dates the Framework, indicates that planning permission will not be granted for inappropriate development within the Green Belt. This approach is out of line with the Framework's allowance for cases where very special circumstances may justify inappropriate development, limiting the weight to be placed on Policy CP12.
6. More recently adopted Policy TB01 of the Managing Development Delivery Local Plan (LP) references the Framework's restriction on extensions and says that only *limited extensions* to a dwelling will generally be permitted. It defines 'limited' as being a cumulative increase of generally no more than 35% in volume over and above that of the original dwelling. Although different terminology is used in the Framework and LP Policy TB01, I find that in practice the meaning is much the same and that the 35% guideline set out in LP Policy TB01 is consistent with the Framework.
7. Various figures for floorspace and volume increases have been suggested along the way, but both sides now agree that the house has already been extended by about 35% in volume and that this proposal would add about another 11%, bringing the cumulative volume increase to about 46%.
8. This proposal has been substantially reduced from the previous appeal proposal, but the overall 46% increase would nevertheless still be materially above the guideline set out in LP Policy TB01. Although the extension would be low and flat roofed, it would not be an insignificant addition in terms of either volume or floorspace. I recognise that Green Belt assessments like this should not turn solely on the percentage figures, but as indicated by the numbers the cumulative bulk of the extensions here would be sizeable. I find that the proposed extension when taken together with the previous extension would, in the terms of the above-mentioned policies, be *more than limited* and also *disproportionate*.
9. The appellant argues that consideration should also be given to the context, character and setting of the building and that the reduced size of this extension would not harm the physical setting of the Green Belt or wider area. I take these factors into account in relation to the next main issue.
10. I conclude that the proposal constitutes inappropriate development in the Green Belt, in conflict with LP Policy TB01, CS Policy CP12 and the Framework.

¹ APP/X0360/D/15/3140743

It is therefore harmful to the Green Belt by definition. I give this harm substantial weight in accordance with paragraphs 87 and 88 of the Framework.

Openness and Green Belt purposes

11. Paragraph 79 of the Framework states that one of the essential characteristics of Green Belts is their openness. LP Policy TB01 states that developments will only be permitted where they would maintain the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.
12. Consideration of a proposal's impact on openness should include both the physical and visual dimensions. Although the Council argues that the previous Inspector erred in considering visual impact in relation to openness, the courts have confirmed that the question of visual impact is implicitly part of the concept of the openness of the Green Belt².
13. I note that the previous Inspector found no harm in either respect, in relation to a larger scale proposal. The smaller extension now proposed would be set well back from the street within a large garden and would blend in well with the building, so that both its visual impact and its impact on openness would be very modest. It furthermore would not interfere with the safeguarding of the countryside from encroachment or any other purposes of the Green Belt, as defined in the Framework.
14. I conclude that the proposal would not materially harm the openness or purposes of the Green Belt. It therefore accords with this aspect of LP Policy TB01 and the Framework.

Visual amenity, character and appearance

15. The existing house is modern and somewhat suburban in design. The proposed extension would conform to this character. It would be a minor addition, fitting in well with the form and style of the house. Although the site is elevated above Southbury Lane, the extension would be low in height and set well back from the street. Open views across the site to the countryside beyond would remain.
16. I conclude that the proposal would not harm the visual amenity of the Green Belt or the character and appearance of the local area. It would therefore accord in this respect with the aims of CS Policies CP1 and CP3 and the Framework, to secure high quality design that maintains or enhances the quality of the environment.

Biodiversity

17. The previous appeal was dismissed in part because of a lack of information about the presence of and potential impact on protected species: bats and great crested newts. The current proposal would not affect any existing roofspace or other bat habitat, so there is no longer a concern in this regard.
18. Turning to the issue of great crested newts, I note that the site for this (reduced) extension would be a small and well used area of the garden directly adjacent to the house. There is no obvious cover here for foraging newts, in

² *John Turner v SSCLG and East Dorset Council* [2016] EWCA Civ 466

contrast to much of the countryside surrounding the site. I note that the extension would be within 5m of a hedgerow, but see no reason why that ecological feature could not be protected during construction, and any newts excluded from the development site.

19. The Planning Practice Guidance advises that ecological surveys should only be required where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. I conclude that in this case there is no reasonable likelihood that great crested newts would be affected by this small-scale, domestic development. The proposal therefore accords with the aim of the Framework and CS Policies CP3 and CP7, to conserve biodiversity.

Very special circumstances

20. The appellant concedes that there are no very special circumstances here. Although I recognise his reasonable wish to improve the existing accommodation, I give only limited weight to this factor. I have found no significant harm to openness, Green Belt purposes, visual amenity, character, appearance or biodiversity, but these are all neutral factors which do not weigh either for or against the proposal. Likewise, the lack of harm in regard to other planning issues such as highway safety and neighbours' living conditions is also neutral. I find that the other considerations in this case do not clearly outweigh the harm by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

21. Having considered all matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR