
Appeal Decision

Site visit made on 20 December 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 03 February 2017

Appeal Ref: APP/J4525/W/16/3159550

Havannah Farm, Springwell Road, Springwell, Gateshead NE9 7YT

- 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 Jack Coupe against the decision of Sunderland City Council.
 - The application Ref 15/02291/FUL, dated 11 November 2015, was refused by notice dated 3 May 2016.
 - The development proposed is new detached garage and conversion of existing garage to residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted plans detailing amendments to the proposal, in particular the design of fenestration and availability of external space serving the proposed dwelling. These amended plans were produced after the Council determined the planning application in relation to this case. Given that the amendments have not been formally considered by the Council or been subject to public consultation with potentially interested parties I have not taken them into account in making my decision. My decision is therefore based on the original plans that have been considered and determined by the Council.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt;
 - Whether acceptable living conditions would be provided for both future occupiers of the converted garage and occupiers of the adjacent dwellings at Havannah Farm and the Old Barn with particular regard to privacy.
 - Whether acceptable living conditions would be provided for future occupiers of the converted garage with particular regard to external amenity space.
 - Whether future occupiers would have acceptable access to services and facilities.
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- If the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

4. No development plan policies in relation to the Green Belt are referred to in the related reason for refusal, the Council's case relying instead on the Framework. Paragraph 89 of the Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves an extension of a building and that extension would not result in disproportionate additions over and above the size of the original building or, it comprises limited infilling or partial redevelopment of previously-developed land which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Framework paragraph 90 sets out that some other forms of development are not inappropriate, including the re-use of existing buildings provided that they are of permanent and substantial construction, preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt.
5. The proposed conversion of the garage to a separate dwelling falls to be assessed against the provision of paragraph 90. Whilst there is no dispute that the existing building is of permanent and substantial construction, the Council takes issue in terms of openness, referring to proposed dormer windows and potential domestic paraphernalia. Dealing with the latter point first, since things such as washing lines and garden furniture are not part of the building itself, they are more to do, it seems to me, with character and appearance, a quite separate matter to openness. In relation to the dormer windows, again their impact in terms of character and appearance is a separate matter in this particular context. I am mindful, in this regard, that the Council takes no issue in terms of character and appearance.
6. However, in terms of the openness of the Green Belt, although the increase in volume and thus the size of the building as a consequence of the proposed dormers would be modest, they would, nevertheless, mean that this part of the Green Belt would be marginally less open than it is at the moment, the concept of Green Belt openness not necessarily being confined, it seems to me, to the footprint of a building. As such, I consider this element of the scheme would comprise inappropriate development in the Green Belt.
7. Consequential upon the proposed conversion is the erection of a replacement garage building. The appellant's position is that this element of the proposal constitutes an extension to the existing spread of buildings that would not amount to a disproportionate addition and does not, therefore, constitute inappropriate development. Contrary to this, the Council argues that the proposed replacement garage would constitute an outbuilding outside the curtilage of the farmhouse on a greenfield site. It says that the proposal should not be regarded as an extension and accordingly would constitute inappropriate development.
8. Within its report, the Council has set out the planning history of the site, which is undisputed by the appellant. This confirms that there have been various

extensions undertaken to the original farmhouse and also that the existing garage subject to the current appeal was erected at some time since 1997.

9. I consider that depending on its relationship with the original dwelling, a detached outbuilding could be regarded as an extension to it for the purposes of considering compliance with Green Belt policy. The existing garage is directly linked to the side garden of the farmhouse by a series of steps and as such is closely physically related to the house. I consider it to constitute an extension to the dwelling in the context of Green Belt policy.
10. Whilst I have not been provided with dimensions of the original farmhouse for comparative purposes, it is clear that it has been extended in the past. The submitted drawings show that the proposed garage would be relatively large and capable of accommodating several vehicles. The annotated measurements indicate a footprint of some 13.277 x 7.125 metres, with a flat roof height of around 2.575 metres. The proposed garage is also linked via its roof terrace to the side garden area of the farmhouse and appears to me to be an extension to the dwelling in the context of Green Belt policy.
11. Taking those previous extensions into account, including the garage to be converted, in addition to the new garage building proposed, I am in no doubt that the cumulative increase over and above the size of the original farmhouse is disproportionate. Even were I to have considered the garage building as limited infilling, its size means that there would be a material reduction in the openness of this part of the Green Belt. Either way, the building proposed comprises inappropriate development.
12. To conclude on this issue, therefore, I find that both elements of the proposal comprise inappropriate development in the Green Belt. There would be conflict, in this regard, with the provisions of the Framework.

Openness

13. As part of the assessment as to whether the scheme is inappropriate development or not, I have already assessed openness in relation to the proposed conversion, and in relation to the proposed garage under the criteria relating to infilling. Looking at the proposed garage as an extension, it would introduce a substantial building onto a part of the site that is currently free from built development. As a consequence, this part of the Green Belt would be less open than it is at present. I am mindful, in this regard, that, as set out at paragraph 79 of the Framework, one of the essential characteristics of the Green Belt is its openness. I am also mindful that visual impact is implicitly part of the concept of openness. Notwithstanding that the garage would have a flat roof (with railings on top) and the presence of a mature boundary hedge, it would, nevertheless, be clearly visible from Springwell Road around the wide open access point to the site. From here the garage would interrupt views over open fields in a south-westerly direction. Accordingly it would have an adverse impact on the openness of the Green Belt in visual terms.
14. The appellant argues that it would be possible to park large vehicles on the site of the proposed garage which would result in a greater impact on openness. However it seems to me that any such parking would be transient in nature and would not have the material impact on openness that a permanent building would. In any event such parking could still occur and be visible in other parts of the site if the garage were to be constructed.

15. The proposal would therefore be in conflict with the Framework insofar as it seeks to protect the openness of the Green Belt.

Privacy

16. It was apparent from my visit that the proposed converted dwelling would face habitable rooms at close range in the residential property known as the Old Barn, situated opposite the appeal site. Accordingly there would be a mutual loss of privacy for residents.
17. The Council draws attention to its Residential Design Guide Supplementary Planning Document 2008, which although not part of the development plan provides further guidance on the application of Policy B2 of the City Of Sunderland Unitary Development Plan 1998 (UDP). Amongst other things, it seeks to secure separation distances between main facing windows of some 21 metres. In the appellant's view, the farm complex location of the appeal site would justify a more relaxed approach to separation distances between dwellings which would not be expected to be comparable to those within a residential estate. I acknowledge that tighter relationships between existing buildings may be justified where specific public benefits may accrue from the development. However the appellant has not made a compelling case that the development would justify a more relaxed approach to privacy.
18. I am not convinced either that the use of obscure glazing in the ground floor windows facing the courtyard is a practical suggestion in that it would have an adverse effect on outlook for future occupiers. It is suggested that future occupiers could erect a 2 metres high wall or fence to minimise overlooking under permitted development rights. However, it is usual with conversion schemes such as this to remove permitted development rights. In any event, leaving it to the choice of future occupiers would not guarantee the privacy of the neighbours. Furthermore, without the details of such development, I am unable to assess whether this would be achievable or what the impact would be on the living conditions of residents or on the character and appearance of the complex as a whole.
19. The appellant has made the point that the adjoining neighbours have not objected to the proposal. However, the absence of an objection does not necessarily equate to support. Notwithstanding this, I have a statutory duty to consider the impact of development including on future neighbours, even when no specific objection from third parties has been forthcoming.
20. The dwelling proposed would also overlook the adjoining side garden and sun room of the 'host' dwelling, again compromising privacy. That property is occupied by the appellant and any shortcomings in this regard would be of his choice. Nevertheless, acceptable living conditions for future occupiers of the dwelling proposed and the host dwelling would not be provided given the intimate relationship between the two properties.
21. I conclude that the proposal would not result in acceptable living conditions for both future occupiers and existing residents in terms of privacy. The proposal would therefore be in conflict with Saved Policy B2 of the UDP and the Framework which seek to achieve acceptable standards of privacy and protect the living conditions of residents.

Living Conditions – future occupiers

22. The proposed converted garage is situated immediately adjacent to garden areas that are associated with the original farmhouse and which lie outside the site boundary. The appellant suggests that future occupiers would have access to a courtyard area at the front of the property for external amenity purposes. However, from my visit it was apparent that the area in question is effectively a wide open thoroughfare over which vehicles would pass to gain access to the wider farm site. This area, which is lacking in greenery and is overlooked by the Old Barn would not provide an attractive or practical private external space for future residents. I conclude that the proposal would not provide acceptable living conditions for future occupiers in terms of access to external amenity space. This would conflict with the Framework objective of seeking a good standard of amenity for future occupants.

Access to services

23. A roadside footway with streetlighting connects the site with the nearby village of Springwell which would make it possible to walk from one to the other in a relatively short time. Although the route would not be universally regarded as convenient it does allow for an element of sustainable transport choice. However, whilst it is undisputed by the parties that Springwell contains some everyday facilities and services, the Council as part of its case refers to the nearest facilities being around 1 kilometre away from the site. The appellant has not challenged this point. Whilst there are bus stops in close proximity to the site I have not been provided with any details regarding service destinations or frequency.
24. From the information before me, on balance I consider that future occupiers would be in a relatively functionally isolated location and that they would be heavily dependent on private transport in order to gain access to a range of essential services. Accordingly residents would not have an acceptable standard of access to day to day services and facilities.

Other Considerations

25. In support of the appeal, the appellant draws attention to the absence of objections from statutory consultees, other than the Council's Network Management Team, who object to the prospect of four properties being served from a private access as opposed to a public highway. In relation to the highway comments, I note that this was not a reason for refusal and, on the basis of the evidence before me and my own observations at the site visit, I am not persuaded that this arrangement would result in any harm in terms of highway safety. That said, the absence of objections, or the absence of harm, does not attract positive weight in the overall balance.
26. I note that whilst eleven letters of objection were received, none were from the occupiers of the dwellings within the complex here. However, that does not negate the concerns raised in the correspondence and, as noted above, the absence of any objection from nearby residents does not equate, necessarily, to support. As such, these matters are neutral in the planning balance.
27. The appellant also refers to pre-application discussions with the planning officer in which, I understand, there was no indication that the scheme might be unacceptable in terms of its Green Belt location. However, the Council

maintains that no formal pre-application was made, suggesting that the email correspondence relied on by the appellant provides no indication as to the acceptability of the proposal. I find no mention of the Green Belt in the correspondence and understand the appellant's frustration in this regard. That said, the correspondence does not state that the development proposed would necessarily be acceptable. In any event, it is well established that such advice is informal only and is not binding on formal consideration of an application by the Council. Again, that is not a consideration that carries any positive weight.

Green Belt balance and conclusion

28. The proposal comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. There would also be a loss of openness. The Framework establishes that substantial weight is to be given to any harm to the Green Belt. In addition, I have found harm to the living conditions of existing residents and unacceptable living conditions for future occupiers.
29. For the appeal to succeed, the combined weight of other considerations must clearly outweigh the totality of the harm arising. I have considered the other considerations put forward but they do not carry any positive weight. The substantial harm caused by the inappropriateness of the development proposed, and the unacceptable living conditions that would arise is not, therefore, clearly outweighed by other considerations. Accordingly, the very special circumstances necessary to justify the development have not been demonstrated. Thus, for the reasons given above, I conclude that the appeal should not succeed.

Roy Merrett

INSPECTOR