

Appeal Decision

Site visit made on 2nd February 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/E2734/D/16/3165201

The Riddings, Spring Lane, Kearby, Wetherby, LS22 4DA.

- 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 John Smith against the decision of Harrogate Borough Council.
 - The application Ref: 6.148.48.A.FUL, dated 6 November 2015 was refused by notice dated 30 August 2016.
 - The development proposed is front and rear extensions to dwelling house.
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Procedural Matter

1. The description of the application cited in the header above is as described on the planning application forms. However, the drawings also depict a raised patio at the rear of the property. The Council determined the application on the basis that the proposal included this element and I shall determine the appeal likewise. The development has been substantially completed. Accordingly, I consider a more accurate description of the appeal proposal is: Retrospective application for two single storey extensions and a 2 storey extension, formation of raised patio with external steps and erection of 2m rear walling.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in this appeal is whether the proposal amounts to inappropriate development in the Green Belt (GB) and if so, 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

4. The National Planning Policy Framework (the Framework) states at paragraph 89 that extensions or alterations to buildings in the GB are not inappropriate development provided that they do not result in disproportionate additions over and above the size of the original building.
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5. Saved Policy H15 of the Harrogate District Local Plan (LP) allows for extensions to dwellings provided 4 criteria are met. The Council take no particular issue with these criteria, but instead refer to the explanatory text to the Policy which states at para 9.61 that in the GB "*an extension of the ground floor area by more than 50% will not normally be permitted unless there is clear evidence of need for household occupation*".
6. The fact the above threshold is cited in the explanatory text and not the main body of the Policy itself, means it carries less weight than it might otherwise do so. Policy H15 also pre-dates the guidance in the Framework and its reliance on ground floor area is not fully compliant with the reference in the latter document (at paragraph 89) to *size*. This is because the word *size* is a three-dimensional concept which carries with it a connotation of volume and not simply area. These two points limit the weight I attach to H15.
7. There is disagreement between the parties in relation to how the 50% ground floor area should be calculated. The appellant submitted a series of calculations to the Council which asserted compliance with the 50% threshold in H15. However, the latest set of figures which cite 160.78 sqm in relation to the original ground floor of the property, include a conservatory and patio area to the rear.
8. The evidence suggests the conservatory was added to the property sometime in the 1990's and evidence pertaining to the former patio area is not entirely clear in relation to its physical extent and specifically, the degree to which it was raised above natural ground level, as indeed the patio in its present form now is. Certainly, the former patio as depicted on drawing No 1188/02 does not appear to me to amount to an appreciable building operation which I can reasonably take into account as forming part of the original building.
9. For these reasons, I afford greater weight to the calculations of the Council which suggest a likely increase in ground floor area in the region of 72% or thereabouts. They further calculate the volume percentage increase of extensions as 54% excluding the raised patio and 96% if the volume of the patio is included. To my mind, these volume increases alone suggest a sizeable increase in the size of the host dwelling. There are no figures available from the appellant in relation to volumetric increase.
10. As I have indicated, the 50% threshold cited in H15 is not decisive. Moreover, the overall assessment of size needs to go beyond a mathematical calculation and have regard to matters of scale and massing.
11. The additions to the property are significant and have markedly increased its massing, particularly along the rear and western side elevations. The overall depth of the property appears considerably greater as a consequence of the two storey rear and rearwards projection of the single storey side/rear extension. Whilst there was a former single storey wing to the side of the property, the current proposal is significantly deeper, is substantial in scale, and the combination of its width and height along the rear have added substantially to the bulk of the host dwelling.
12. The two storey addition can be seen from further along Spring Lane to the South East and also along Wharfe Lane to the South West. The single storey additions to the side of the property are clearly visible from the site frontage

and further along Spring Lane to the North West. The single storey rear extension will also be visible from surrounding properties to the North West and South East. Whilst I take no issue with the design of the extensions, the fact is that the marked increase in the scale of the resultant dwelling is visible from both public and private vantage points.

13. The raised patio area cannot be readily discerned from public vantage points, but it is clearly a substantial building operation in its own right, being raised considerably above the lawn area to the rear of the property. Its current raised form affords it a considerable volume and together with the extensions to the property, it appreciably adds to the scale and massing of the resultant dwelling. Taken together, I consider the proposals amount to a disproportionate addition to the dwelling.
14. The Council refer to an additional concern that a partially implemented first floor side extension from the 1990's (90/03732/FU) could potentially be completed, thus adding additional volume to that proposed as part of this appeal. However, from the submitted drawing, this appears to be an unlikely possibility, as any attempt to do so would be a hybrid between the approval issued at that time and the development now completed on site, which would likely require further consent.
15. I appreciate that the aforementioned views (with the exception of along the site frontage) are at a distance, but the most important attribute of GB's is their openness and the fact that the development is not prominent in public views does not render the proposals acceptable in terms of impact on openness. To my mind, the resultant increase in scale and massing of the appeal property has appreciably reduced the openness of the GB at this point.
16. Overall in relation to the main issue, I conclude that the extensions and raised patio area amount to disproportionate additions to the original property, which render them inappropriate development in the GB. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the GB. Added to the harm by reason of inappropriateness, is a loss of openness arising from the increase in bulk and scale of the property and resultant built form at the site.
17. Paragraph 87 of the Framework states that inappropriate development should not be approved except in very special circumstances. The appellant points out that three nearby neighbours have withdrawn their objections to the proposals, given that revised plans incorporated screening proposals to the raised patio were submitted. I appreciate that may have alleviated their concerns, but it does not alter my conclusions in relation to the main issue.
18. The appellant refers to the aforementioned planning permission issued in the 1990's for a second floor extension to one side and I accept that this too would have significantly increased the scale and massing of the appeal property had it been completed. However, there has been a significant lapse in time since that permission was issued. Furthermore, there is no substantive evidence to suggest that it would be completed were the appeal to fail. I therefore attribute limited weight to the existence of that permission.
19. The appellant also says that he received misleading advice that a planning application to regularise the development was the correct way forward. Even if

this was the case, it would not have any bearing on my assessment of the planning merits of the appeal.

20. For the appeal to succeed, the combined weight of the other considerations raised must clearly outweigh the totality of the harm arising. Overall, I do not consider that the other considerations raised by the appellant, would clearly outweigh the harm by reason of inappropriateness and harm to the openness of the GB. It follows that the very special circumstances necessary to justify the development do not exist.
21. This would bring it into conflict with the guidance in the Framework, Policy H15 of the LP and Policy SG3 of the Harrogate District Local Development Framework Core Strategy (2009) (CS), which seek to resist such development. The Council also cite conflict with Policies EQ2 and SG4 of the CS. However, I see nothing in either of these that add to the Council's case on the main issue, as they are confined to strategic landscape and built environment matters and other matters which bear no relation to the appeal proposal

Other Matters

22. A number of third parties cite problems with vehicles associated with the appeal premises parked on Spring Lane and associated grass verge. However, although the proposals have resulted in a substantially larger dwelling than previously existed, there is a considerable front yard area with space for several cars. This matter does not therefore add to my concern on the main issue.

ALISON ROLAND

INSPECTOR