

Appeal Decision

Site visit made on 7 February 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/F0114/D/3164278

Greenbanks, Breach Hill Lane, Chew Stoke, Bristol BS40 8YA

- 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 & Mrs David & Kellie Jones against the decision of Bath & North East Somerset Council.
 - The application Ref 16/02333/FUL, dated 10 June 2016, was refused by notice dated 8 September 2016.
 - The development proposed is the replacement of a single storey porch and WC with a 2-storey wing containing a WC, staircase and study, and replacement of garage and terrace with double garage and a bedroom.
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Procedural matters

1. An application for costs was made by the Appellants against the Local Planning Authority, and that is the subject of a separate decision.
2. Various smaller schemes were put before the Council. However, the one to which the decision relates and the one I am considering is the development described above.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues in this case are
 - a) whether the scheme would be inappropriate development in the Green Belt that failed to preserve the openness of the Green Belt;
 - b) its effect on the character and appearance of the area and whether it would conserve the landscape and scenic beauty of the Mendip Hills Area of Outstanding Natural Beauty (the AONB); and
 - c) if it would cause harm to the Green Belt by reason of inappropriateness and other harm, whether that harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the works.

Reasons

Inappropriateness

5. The *National Planning Policy Framework* (the Framework) says that inappropriate development is by definition harmful to the Green Belt, and
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should not be approved except in very special circumstances. It confirms that the construction of new buildings should be regarded as inappropriate, though exceptions to this are then given in paragraph 89. There it lists various buildings that are not inappropriate, one of which is

the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building¹.

6. Mindful of the Appellant's case a number of points can be drawn from the wording of the Framework on this matter. Firstly it is clear that it outlines a level of control that is different to that applied to extensions outside the Green Belt. Secondly, development that is inappropriate is harmful by definition, and that is something to which substantial weight should be attached, even if no further harm is caused. Indeed, in the absence of other considerations to clearly outweigh this harm it follows that such a development should be refused permission on that basis alone. Thirdly, this exception hinges on the issue of size and so while other matters may come into play, as identified by other Planning Inspectors, they are not the primary focus. Furthermore the assessment of whether extensions are disproportionate is assessed in relation to the 'original dwelling' and not the house as it now is (unless of course it has not been extended), the area of the plot, or the houses and buildings around. Finally, by relating inappropriate development to the original dwelling, the definition is in effect imposing a limit on the extent of enlargements to a building in the Green Belt.
7. The Framework does not say what size an extension must be to be deemed 'disproportionate'. It is therefore for individual Councils to adopt a suitable definition that is consistent with the Framework. This Council has outlined how it will interpret that requirement in its Supplementary Planning Document called *Existing Dwellings in the Green Belt* (the SPD), Section 7 of which says

The following will be considered when deciding whether or not an extension [to an existing dwelling] is disproportionate:

- i) The cumulative increase in volume of all extensions as a percentage of the original dwelling*
- ii) The character of the dwelling and its surroundings*

While each application will be considered on its merits ... in many circumstances a well-designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable. It then follows that extensions to dwellings which exceed this volume increase are more likely to be disproportionate. (Paragraphs 7.4-7.6)

8. I consider a figure of a third to be a reasonable interpretation of the guidance in the Framework. The Appellants told me the Council was intending to revise this SPD, but I was not informed it had been superseded and no other definition was offered. In my opinion though to be consistent with the focus the Framework places on size, the reference to the character of the dwelling

¹ The original dwelling is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.

and its surroundings in the SPD cannot be a decisive element when assessing inappropriateness.

9. Moreover, Policy HG.15 in the *Bath and North East Somerset Local Plan* (2007), which concerns house extensions in the Green Belt, says such extensions will be permitted unless they are disproportionate additions over and above the size of the original or they contribute to a deterioration of the rural character as a result of the cumulative effect of dwelling extensions (my emphasis). However, as the second clause makes no reference to whether the works are disproportionate to my mind that policy is not consistent with the Framework and should be afforded limited weight.
10. Greenbanks is a detached house that is just over 50 years old and stands in large, well-screened grounds. It is of a design that is typical of its age, with its front and (west) side elevations being of a light brick with areas of render and weatherboarding. However a new rendered finish has been recently applied to the rear and east sides. The roof is in concrete tiles with the eastern end being a different colour to the rest. Moreover, a 2 storey extension covers part of the west elevation, and this has a car port in front and a flat-roofed garage with roof terrace to the side.
11. Based on the Appellants' figures, which have been unchallenged by the Council, the original volume of Greenbanks was 586m³ but, as a result of subsequent extensions and this proposal, its volume would be 977m³ – an increase of some 66.8%². In my opinion such a cumulative increase would be disproportionate when compared to the size of the original dwelling, and would significantly exceed the guidance of a third given in the SPD. Consequently, I consider the works to be inappropriate development. Furthermore, even if the SPD was to be revised from my experience it is unlikely a volumetric increase of this size would be accepted in any new definition.
12. In coming to this view I appreciate that the Appellants have placed weight on the character of the area and the nature of the plot in assessing whether or not the works are inappropriate, and it would appear the Council has taken a similar approach when considering other domestic extensions in the area. In particular the Appellants have noted that the dwelling would occupy less than 15% of the plot, the works would (in their opinion) result in '*significant design betterment*' in the appearance of the property and the finished scheme would match the houses around.
13. As stated above though, and notwithstanding the wording of the SPD and Local Plan Policy HG.15, the weight that can be given to character and appearance when assessing whether works are inappropriate is limited. Despite that the SPD with its flexible approach nonetheless assumes the extensions of about a third of the original dwelling's volume would be well-designed. Therefore, the Appellants' contentions relating to the impact of the works on the character and appearance of the dwelling and its surroundings when determining this issue do not offer a basis to allow extensions of a size that exceeds the Council's suggested volumetric figure by so much.

² It is assumed that each of the elements listed under '*Original*' on page 12 of the *Design and Access Statement* were in fact original, though it is noted the Council suggested the conservatory was added later.

14. Although the Appellants have referred to paragraph 7.8 of the SPD that does not relate to whether the proposal is inappropriate under the terms of the Framework. Rather, it concerns a contribution to a deterioration of rural character and conflict with the purposes of the Green Belt.
15. Turning to the matter of openness, the Framework says that this is one of the Green Belt's essential characteristics. I accept the site is well-screened by boundary planting, and it lies within a settlement. However, the effect on openness is in some ways distinct and separate from visual impact, and the fact that this development would be concealed to a great degree does not go to the heart of openness. I consider that increasing the volume of the original dwelling by 66% would inevitably result in a greater presence of built form on the site when compared to what was originally present, and so would result in a reduction, albeit slight, in openness.
16. Whilst the Appellants would be demolishing a variety of outbuildings, to my mind these are subservient, small, light-weight structures, and so their removal would not outweigh the harm to openness identified.
17. Accordingly I find that this would be inappropriate development that would harm the openness of the Green Belt.

Character and appearance

18. The boundary to the AONB runs along the lane immediately to the north and so includes the appeal site. When considering proposals there is therefore a need to conserve the area's landscape and scenic beauty.
19. Greenbanks is in a settlement surrounded by houses of varied but complementary designs, and the proposal would respect the appearance of the dwelling and those around. Furthermore, given its siting back from the road, its screening and its position on the plot the resultant building would not be unduly dominant. Whilst the Council has expressed concern about the relationship of the proposed garage to the dwelling I consider it would not be one that would cause unacceptable harm. I also have no reason to consider harm would be caused to the natural or historic environments.
20. Accordingly I conclude the development would conserve the landscape and scenic beauty of the AONB and the effect of the works on the character and appearance of the area would not, in itself, be a reason to resist the development. As such, in this regard the scheme would not conflict with the Framework.

Other considerations

21. As stated the Framework says that inappropriate development should not be approved except in very special circumstances. It adds that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In relation to this the Appellants have put forward a number of such considerations, which will be considered in turn.

'Permitted development rights'

22. I was told a garage could be constructed at the rear of the plot as 'permitted development', and the Appellants contended the effect of this on openness would be more harmful than that of the proposal. I have no details of such a garage before me, though I note it would be at the back of the curtilage away from the road. It would also be a detached building and so it would not add to the mass and scale of the dwelling. Finally, 'permitted development rights' would exist even if I were to allow this appeal. These factors therefore diminish the weight that should be given to the impact of such works.
23. Even accepting the works would be 'permitted development' if the house lay outside the AONB but still in the Green Belt, I am to assess the proposal based on its location.

Improving the appearance of the building

24. To my mind the current appearance of the building is not unduly poor, and, even if it is to be improved, it has not been shown these works are the only way in which such improvements can be achieved. Whilst I have noted the emphasis on good design in Local Plan Policies D.2 and D.4 that cannot be seen to outweigh the harm to the Green Belt arising from inappropriateness and the impact on openness.
25. Related to this it has been suggested that various structures and sheds can be removed from around the grounds. Again though the subservient and light-weight nature of these relatively small features would not be an appreciable benefit.
26. It was also contended that demolishing the garage to build another elsewhere on the plot would open up views of the swimming pool from the road. However, the pool complex is primarily at ground level or below the slope of the land means it is appreciably higher than the lane. The removal of the garage to the front would therefore not allow harmful views of the pool.
27. Finally I am aware that the Appellants are of the opinion that the site is well screened, and clearly such a contention diminishes any weight this consideration can be given.

Benefits to living conditions

28. It was said that the development would reduce the possibility of overlooking of the dwelling to the west because it would remove the terrace that is now on top of the garage. However, access to that terrace is no longer possible as the door has been bricked up and the external staircase removed, and I have no basis to consider such access would be re-instated, especially as the Appellants have suggested demolishing that element. Moreover the boundary to that adjacent property is some distance away with the neighbouring house itself set back further still, while along the boundary is dense planting. Therefore, any harm from the use of the terrace, and any benefit from its removal, is limited.
29. The Appellants have said this house is 'very modest'. Noting it has 4 bedrooms that is not a view I share, and I consider the extensions are not needed to provide a suitable or reasonable standard of accommodation at the property. While they say the study is necessary for the business needs and the garage is

required for storage, it again has not been shown this is the only way those needs can be addressed.

Other cases in the area and neighbour comments

30. I was referred to other examples of residential extensions in the area and support from those living around. However, it is for me to determine this appeal based on the planning merits of the case and in particular the guidance in the Framework.

Conclusions on this issue

31. Therefore, even if these other considerations are taken together, I conclude that their combined weight does not clearly outweigh the harm arising from inappropriateness and the effect on openness.

Conclusions

32. Accordingly I conclude that this would be inappropriate development in the Green Belt that would cause causing harm to its openness. In the absence of any other considerations that clearly outweigh this harm, the development would be contrary to Policy CP8 in the *Bath and North East Somerset Core Strategy*, the SPD and the Framework. The appeal should therefore be dismissed.

J P Sargent

INSPECTOR