
Appeal Decision

Site visit made on 6 February 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/F0114/D/16/3165072

Breach Farm, Breach, Clutton, Bristol, BS39 5QR

- 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 Stuart Liddle against the decision of Bath & North East Somerset Council.
 - The application Ref 16/02684/FUL, dated 10 May 2016, was refused by notice dated 18 November 2016.
 - The development proposed is removal of two domestic used buildings in garden, retention of extension and replacement of the garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site falls within the Green Belt, where the National Planning Policy Framework (the Framework) advises that the construction of new buildings is inappropriate. However, the Framework sets out there are a number of exceptions to this, which includes *'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'* (Paragraph 89). The Council are of the view that when taking into account the removal of the previous rear extension, WC, garage and outbuildings, the scheme would not result in disproportionate additions over and above the size of the original building and therefore the proposal does not represent inappropriate development in the Green Belt. From the evidence that I have before me, I see no reason to take a different view and I have therefore not considered this matter any further in my decision.

Main Issues

3. The main issues of the appeal are the effect of the proposal on the character and appearance of the host dwelling and the effect of the proposal on the living conditions of the occupants of Breach Dairy Farm.

Reasons

Character and appearance

4. The appeal site is located to the north of the village of Clutton and accommodates a two-storey semi-detached cottage that has been extended to the south to include an annex. The area is largely rural in character, with
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Breach Dairy Farm immediately to the north of the appeal site. I observed on my site visit that the proposed two-storey rear extension has been constructed and works on the site are largely complete.

5. The two-storey rear extension extends 7.4 metres beyond the rear elevation of the appeal property and has a pitched roof with a gable end. I observed that the pitched roof of the extension is only marginally set down from the ridge height of the host dwelling. This along with the significant length of the extension results in a substantial structure. I agree with the Council that the extension does not appear subservient to the host dwelling and in my view appears as an overly dominant and intrusive feature to it. The host dwelling is a cottage and has a traditional and modest appearance and the extension due to its scale and bulk, does not respect the character and appearance of the cottage, to its detriment.
6. I acknowledge that the annex has altered the layout and appearance of the appeal site. However, I do not share the view of the appellant that it has already altered the cottage style character of the host dwelling. This is because the annex is single storey in height and is set to one side of the host dwelling and is clearly subservient.
7. I accept that the extension is located to the rear of the existing dwelling, it is not largely visible from the street scene and the extension has been built in materials to match the existing dwelling. However, these matters do not overcome my above concerns with regard to the harm caused to the host dwelling.
8. In conclusion on this matter, the extension by virtue of its length, height and subsequent scale, causes demonstrable harm to the character and appearance of the host dwelling. This runs contrary to Policy D.4 of the Bath and North East Somerset Local Plan (including minerals & waste policies) (2007) (the LP), which seeks to ensure that the appearance of extensions respect and complement their host building. The scheme also runs contrary to Section 7 of the Framework that requires good design.

Living conditions

9. As set out above, the appeal property is semi-detached and the neighbouring property Breach Dairy Farm lies to the north. The extension extends for a significant distance past the rear elevation of Breach Dairy Farm. Whilst it is set back from the boundary with the neighbouring property by some 3 metres, the extension is two-storey in height and has a pitched roof. This results in a large and dominating structure that despite the large open garden of the Breach Dairy Farm, has an overbearing effect on the rear outlook of the neighbouring property. I accept that two outbuildings would be removed and this would improve the sense of openness to the rear of the properties, but I do not consider that this is sufficient to mitigate the identified harm.
10. I acknowledge that a scheme has been permitted¹ by the Council for a two-storey rear extension that is 5.7 metres in length and that this appeal scheme is approximately 1.7 metres greater in length than the permitted scheme. However, I understand that the permitted scheme was also lower in height and

¹ 13/00644/FUL, April 2013.

incorporated a barn hipped roof to reduce the bulk of the extension at roof level.

11. Due to the orientation of the extension to the neighbouring property and its significant scale, only 3 metres from the boundary, I consider that it would obstruct direct sunlight and reduce the level of daylight to some of the rear elevation windows of Breach Dairy Farm and its amenity space close to the dwelling. Due to the orientation of the extension this would be most notable in the morning and early afternoon. The Council has calculated that the extension fails the commonly used 45 degree test, I see no reason to doubt this view and the appellant has not sought to contest the Council's view in this regard.
12. The appellant is of the view that the existing annex already results in the loss of light to Breach Dairy Farm. Whilst the annex projects further out than the extension, it is nonetheless located much further to the south and given its height, it is unlikely, in my view, to result in any noticeable loss of sunlight or daylight to Breach Dairy Farm.
13. For the above reasons, the extension by virtue of its scale and siting results in harm to the living conditions of the occupants of Breach Dairy Farm, by having an unacceptably overbearing effect on its outlook and resulting in the loss of sunlight and daylight. The scheme therefore conflicts with Policy D.2 of the LP, which ensures that developments do not harm the amenity of neighbouring occupiers through loss of light and other disturbance.

Other matters

14. The appellant has referred to the need to provide for a wide choice of high quality and affordable homes and optimising the potential of a site, as encouraged by the Framework. The appellant has also set out that the proposal will improve the living conditions of the occupants of the appeal property and the occupants of Breach Dairy Farm have not raised any concern. Whilst such matters are noted, they are not sufficient either individually or in combination to outweigh the identified harm.

Conclusion

15. For the reasons set out above and having regard to all other matters raised, including the support of the Parish Council, there are no material considerations that outweigh the identified harm and the development plan conflict. The proposal does not therefore represent sustainable development and the appeal is dismissed.

Jonathan Manning

INSPECTOR