
Appeal Decision

Site visit made on 15 February 2017

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 28th February 2017

Appeal Ref: APP/N3020/D/16/3165592

Pendlewood, Newstead Abbey Park, Nottingham Road, Ravenshead, NG15 8GD

- 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 Mrs Sarah Peacock against the decision of Gedling Borough Council.
 - The application Ref 2016/1006, dated 6 September 2016, was refused by notice dated 22 November 2016.
 - The development proposed is a side extension with second storey in extension and part of existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal 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 or Not

3. Policy ENV28(a) of the *Gedling Borough Replacement Local Plan* states that within the Green Belt, planning permission for the limited extension or alteration of a dwelling will be permitted provided that it does not result in a disproportionate addition over and above the size of the original house. This is broadly consistent with paragraph 89 of the National Planning Policy Framework ('the Framework') which confirms that extensions or alterations are not inappropriate development in the Green Belt provided that they do not result in disproportionate additions to an original building.
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4. The supporting text to Local Plan Policy ENV28 states that in comparative terms, a 50% increase in the floorspace of an original dwelling is the maximum size permitted for extensions in the Green Belt, beyond which proposals will be considered inappropriate. With this in mind the Planning Officer's Report confirms that Pendlewood had an original floorspace of approximately 177m², and has already been extended by roughly 64m² (around 35%). These figures are undisputed by the appellant, who confirms that the proposed extension would create roughly 144m² of additional floorspace.
5. Based on the information provided allowing the appeal would therefore result in the enlargement of the bungalow by over 100% of its original floorspace. Combined with previous alterations, the cumulative effect of the appeal proposal would amount to a disproportionate addition over and above the size of the original dwelling. It would represent an increase in floorspace by more than twice the amount advocated by Local Plan Policy ENV28.
6. In reaching this view I am mindful that such considerations should not rely solely on a mathematical comparison of size. However, the host property currently consists of a broadly L-shaped bungalow which has been extended at ground floor level towards the rear. In contrast, the appeal scheme proposes a substantial 2-storey side extension measuring approximately 7m by 11.25m with a hipped roof above. By reason of its scale and bulk the proposed development would materially alter the character of the bungalow, and it would appear as a large, disproportionate addition to the original dwelling.
7. I therefore conclude that for the purposes of the Framework and *Gedling Borough Replacement Local Plan* Policy ENV28(a) the proposal constitutes inappropriate development in the Green Belt. By definition inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

8. The Framework also states that one of the essential characteristics of Green Belts are their openness and their permanence. By containing living space at first floor level the footprint of new development would be contained. When viewed in the context of the larger surrounding properties nearby, and considering the fall-back position of the appellant's Lawful Development Certificates, the harm to openness would be relatively limited.
9. Nevertheless, by constructing such a large extension that would result in a disproportionate addition over and above the size of the original dwelling the harm to the openness of the Green Belt, or its freedom from built development, would still be material.

Other Considerations

10. The appellant holds two Lawful Development Certificates for the construction of a single-storey side extension and a single-storey detached outbuilding (Ref 16/0706 and 16/0707). The footprint of both extensions would be larger than the 2-storey appeal scheme. Should the appeal fail it is claimed that this fall-back position would be pursued to fulfil the appellant's needs and would result in a larger amount of development with a greater impact on the openness of the Green Belt, wildlife and garden space.

11. However, the extensions allowed under the fall-back position relate to single-storey developments within the parameters of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (as amended). Thus, whilst their footprint and total floorspace would be greater than the proposal, they are materially different forms of development.
12. Furthermore, there is nothing to suggest that granting planning permission for the appeal scheme would prevent the outbuilding, or other extensions under the GPDO from being constructed in addition. Although permitted development rights could be removed through the use of planning conditions, this would only become effective upon the implementation of the side extension. Based on the evidence provided it would not prevent the construction of the outbuilding, for example, and then the implementation of the appeal scheme thereafter. Without any robust mechanism to prevent such a scenario from happening the weight which can be attributed to this fall-back position is only limited.
13. Reference has been made to a 'large individual dwelling' approved nearby using a similar argument. However, I am required to consider the proposal on its own specific merits and I have determined the appeal on that basis. Moreover, no details regarding the scheme at "Tall Tree's" have been provided to enable any meaningful comparison with the appeal proposal. It is therefore not possible to give these comments any significant weight.
6. It has also been suggested that if the appeal fails the appellant may be forced to demolish the existing dwelling and replace it with a new one. But such works would require planning permission and would be subject to paragraph 89 of the Framework regarding replacement buildings. As a result, this does not weigh heavily in favour of allowing the extension. A lack of objection from, or harmful impact on, neighbouring residents is also a neutral factor in the overall planning balance.
7. There would be some benefits to the proposal that weigh in its favour. The appellant has clearly worked hard on the garden to create a space that respects its surroundings and minimising the footprint of development would have some environmental benefits. Erecting a 2-storey extension would also restrict views of the neighbouring property to the south, to the benefit of the appellant's living conditions. Furthermore, adapting the host property would allow the appellant's family to meet their needs.

Conclusions

8. The proposal would be inappropriate development in the Green Belt for the purposes of the Framework and Local Plan Policy ENV28. The Framework states that inappropriate development is harmful to the Green Belt, and that substantial weight should be attached to that harm. Due to the size and scale of the extension there would also be some harm to the openness of the Green Belt.
9. In favour of the proposal the additional living space would help meet the needs of the appellant's family. By erecting a 2-storey extension the footprint of development would also be limited to around 75m², and would be less than the combined area associated with two Lawful Development Certificates. In addition, by retaining a larger area of garden the scheme would have benefits to local wildlife and would partially screen the new property to the south.

10. However, these factors do not clearly outweigh the harm by reason of inappropriateness, and the harm to the openness of the Green Belt, which is one of its essential characteristics. As a result, the very special circumstances necessary to justify granting planning permission do not exist.
11. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR