
Appeal Decision

Site visit made on 15 February 2017

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 21 March 2017

Appeal Ref: APP/C2741/D/16/3164716
7 Hopgrove Lane North, York YO32 9TG

- 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 and Mrs Anderson against the decision of City of York Council.
 - The application Ref 16/02122/FUL, dated 15 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is extension, conversion and re-roof to remove flat roofed dormer and create more usable internal layout including use of attic trusses.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the address of the property on the planning application form is Hopgrove Lane South. However, it is clear from the appeal form, the Council's decision notice and my observations on site that the address is in fact Hopgrove Lane North, which I have therefore used, above.

Main Issues

3. The appeal site is situated within the Green Belt and therefore the main issues are:
 - i. Whether the proposal would be inappropriate development for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - ii. The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and
 - iii. If the proposal would be inappropriate development, 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 it.

Reasons

4. The appeal property is a gable-fronted detached bungalow situated within the Green Belt. It has previously been extended into the roof space by the addition of a large flat roof dormer. Hopgrove Lane North is a linear residential street which is not defined by any particularly strong design characteristics, the residential properties being a mix of types, styles and materials. However, it is
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notable that along this particular stretch of the street the spaces between the dwellings are an important characteristic providing a separation between properties, particularly at first floor level. The houses overlook an open agricultural field which allows some clear and uninterrupted views of the street from the surrounding area, including from Malton Road.

Inappropriate development

5. The Framework establishes that new buildings within the Green Belt are inappropriate unless, among other things, it involves the extension or alteration of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building. Policy GB1 of the City of York Draft Development Control Local Plan Approved April 2005(the LP) relates to development in the Green Belt and sets out the circumstances where planning permission for development will be granted. This includes circumstances in which proposals do not detract from the open character of the Green Belt and would not conflict with the purposes of including land within the Green Belt and it is, among other purposes, limited extension, or alteration of an existing dwelling.
6. Policy GB4 states that extensions in the Green Belt will be permitted provided the proposal is small scale when compared to the original building. The supporting text states that an increase in the footprint of 25% is proposed as a guide for assessing such proposals. However, whilst the LP is used by the Council for development control purposes, it has not been formally adopted. Consequently, I have given greater weight to the Framework in my decision.
7. I note that the Framework refers to the 'size' of the original building rather than just the footprint. Consequently, I shall look at the overall size increase in terms of both volume and external dimensions, as well as considering footprint. The Framework also advises that the term 'original building' means a building as it was on 1 July 1948 or, if constructed after that date, as it was originally built. Consequently, this forms the starting point for such an assessment.
8. No detailed measurements or calculations are before me. However, the Local Planning Authority (LPA) calculates the footprint increase to be 43%, which is substantially above the guide figure of 25%. This figure is not contested by the appellants. The appellants have referred to a rule of thumb in other local planning authorities indicating that increases of up to 50% would not be disproportionate additions. However this is unsupported anecdotal evidence. In any event I conclude that the Council's guide figure of 25% represents a reasonable starting point. Given the substantial increase in footprint of the dwelling and the overall size of the original dwelling over two floors I am in no doubt that the increase in the size over and above that of the original building would be so great that it constitutes a disproportionate addition.
9. As a consequence, I find that the proposed extension would comprise inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in exceptional circumstances. Therefore, the proposal is contrary to Policies GB1 and GB4 of the LP and the Framework.

Openness, character and appearance

10. Openness is an essential characteristic of the Green Belt. By increasing the footprint and massing of the building, the proposal would reduce its openness to some extent. I note that the plans have been amended during the course of the application by including a hipped roof. Nevertheless, the increased mass and bulk of built development resulting from the proposal would reduce the openness of the appeal site which would, in turn, be harmful to the openness of the Green Belt.
11. I am mindful that visual impact is implicitly part of the concept of openness and note, in this regard, that the proposed extension would, as a consequence of the relatively open character of the frontage of the property and open wider setting created by the open agricultural field opposite, clearly be noticeable from the road immediately in front of it and the surrounding area and thus would be experienced visually.
12. Moving onto general character and appearance, I consider that, in isolation, the overall design of the proposal would not be out of place given the different designs of properties in the street. I also acknowledge that it would improve the appearance of the property by removing the existing flat roofed dormer. However, the side extension would result in a property which would occupy the entire width of the plot up to the boundary with No 6, which is a modestly sized hipped roof bungalow. Although the amended roof design has reduced the overall bulk and massing of the development, the loss of spacing between the properties and the additional bulk and massing of built form in very close proximity to the adjacent property would result in a cramped form of development at odds with the established pattern of development in the vicinity of the appeal site. This would particularly be the case at first floor level where the sense of space between individual dwellings is particularly evident.
13. In addition, the proximity of the two properties to one another would highlight the differences in design, resulting in a discordant street scene created by the visual conflict between the two properties. Although I agree that there exists a mix of properties of different designs, materials and periods in the street, the difference of design between the two properties in such close proximity to one another would be stark with consequent harm to the established character and appearance of the area.
14. Therefore, the proposal is contrary to the design requirements of Policies H7 and GP1 of the LP and guidance in the Draft House Extensions and Alterations Supplementary Planning Document Approved December 2012. These seek, among other objectives, to ensure that development respects the spaces between dwellings, ensure that proposals are of a design that is compatible with neighbouring buildings and restrict extensions to existing dwellings in the Green Belt.

Other considerations

15. In support of the proposal, the appellant argues that the proposal would not conflict the main purpose of the Green Belt in this location in terms of safeguarding the setting and the historic character of the City of York and that it would enhance its immediate locality. However, lack of harm to one of the Green Belt objectives does not count as a factor in support of the development. It is merely neutral in the overall balancing exercise.

16. I have also taken into account the fact that a large single storey extension could be built as permitted development. Whilst this may be the case, the appeal proposal, when taken as a whole, would be significantly larger and bulkier and would therefore have a greater effect on the openness of the site and the Green Belt.

Other matters

17. The appellant submits that there would not be a significant effect on the living conditions of the occupants of neighbouring properties with particular reference to light or an overbearing effect. The LPA agrees that there would not be a significant impact over and beyond the existing situation and therefore there is no dispute with reference to this matter.

Conclusions

18. The proposal comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. To be added to that harm is the harm to openness that I have identified and the harm to the character and appearance of the area. Paragraph 88 of the Framework indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist, unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have considered the other considerations put forward but they do not carry positive weight. I am not persuaded therefore, that the very special circumstances necessary to justify the proposal exist in this case. Accordingly, for the reasons set out above, I conclude on balance that the appeal should not succeed.

Alastair Phillips

INSPECTOR