The Planning Inspectorate

Appeal Decision

Site visit made on 6 March 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 30 March 2017

Appeal Ref: APP/F0114/D/17/3167862
Elm Park Court, Chewton Road, Chewton Keynsham, Keynsham BS31 2SS

- 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 Robert Phelps against the decision of Bath & North East Somerset Council.
- The application Ref 16/05390/FUL, dated 3 November 2016, was refused by notice dated 22 December 2016.
- The development proposed is removing existing front porch and replacing it with new front porch including internal alterations to kitchen.

Decision

1. The appeal is dismissed.

Main Issues

2. The Council does not raise any objection to the internal alterations associated with the kitchen that are proposed as part of the appeal scheme. I shall therefore focus my attention on the principal part of the proposal, which is the new front porch. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
    - The effect of the proposal on the openness of the Green Belt;
    - The effect of the proposal on the character and appearance of the host dwelling; and
    - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

3. Elm Park Court is a modestly-scaled dwelling with a detached garage, situated just off Chewton Road within the Bath-Bristol Green Belt. Saved Policies GB.1, GB.2 and H.15 of the Bath & North East Somerset Local Plan (the Local Plan), as well as the Existing Dwellings in the Green Belt Supplementary Planning Document, adopted October 2008 (the SPD), accord with the Framework insofar as they seek to resist inappropriate development in the Green Belt. Local Plan Policy HG.15 allows some additions and alterations to be made to

dwellings in the Green Belt, providing they do not represent disproportionate additions over and above the size of the original dwelling. The extension or alteration of a building that would result in disproportionate additions over and above the size of the original building would amount to inappropriate development in the Green Belt.

4. The appeal proposal seeks to replace the existing double-height entrance porch with a larger entrance porch, with a tiled roof and timber-clad sides. Since its original construction, Elm Park Court has been subject to a two-storey extension, which, in addition to the construction of a detached garage, amounts to additions of 45% above the volume of the original building. The proposed replacement porch would add to this figure, resulting in a cumulative additional volume of over 50% of the original building. The Framework does not quantify a disproportionate addition, and the SPD indicates that a volume increase which exceeds about a third of the original dwelling would be more likely to be disproportionate with the original dwelling and therefore harmful.

5. Irrespective of the volume increase in percentage terms, it is clear that what was once a modestly scaled building would become materially larger by virtue of the series of extensions and the separate garage that have taken place over time. In this case, when comparing the dwelling without the existing extensions and garage to the one that would result were the appeal to be allowed, the outcome would be a disproportionate addition over and above the size of the original building.

6. Accordingly, by reason of the cumulative scale of extensions and additions beyond the original building, I find upon the first main issue that the appeal proposal would be inappropriate development within the Green Belt for the purposes of the development plan and national policies.

Openness

7. Openness is an essential characteristic of the Green Belt. Policy CP8 of the Bath and North East Somerset Core Strategy, Part 1 of the Local Plan, adopted July 2014 (the Core Strategy), is consistent with the aims of the Framework in that it seeks to protect the openness of the Green Belt from inappropriate development. The appeal proposal would affectively double the depth of the existing entrance porch, increasing its floor area to 20 square metres; it would also be significantly wider than currently. The space to the front of the existing dwelling would be encroached upon, which, while not readily visible from Chewton Road, means that the proposed porch would be legible in a wider context of open, agricultural land and notably from the public footpath that runs to the east of the appeal site.

8. In consideration of the increase in scale, and the fact that the proposed replacement porch would be legible in a wider countryside context, I conclude that the development would fail to preserve the openness of the Green Belt.

Character and appearance

9. Moreover, Elm Park Court is an attractive stone-built dwelling, notable for its simplicity of form and modest proportions. While two-storey, the existing porch is narrow and predominantly glazed, giving it a sense of lightness and subservience to the main dwelling. In contrast, the proposed timber cladding and tiled roof of the replacement porch would introduce heaviness and an overall bulk. The material treatment combined with the substantial increase in

size, compared to the existing, would result in an overtly dominating feature on what is a currently a simple gable elevation. I therefore find that the proposed porch would appear as dominant and incongruous and would harm the character and appearance of the host dwelling.

Other considerations

10. I have considered the appellant's case that the existing porch does not blend well with the character of the countryside, is already two storeys, is in need of repair and functions poorly, and that the fall-back position would be its retention. I have already determined that, for reasons of its increased scale and material treatment, irrespective of neighbouring properties being two storeys, the replacement porch would harm the character and appearance of the host dwelling and reduce the openness of the Green Belt. It follows that the fall-back position would be the less harmful option and I give very little weight to it as a benefit. I attribute limited weight to the benefits of functionality and fabric condition, as it has not been shown that there are no other alternatives that may remedy the current building problems, other than wholesale replacement.

11. I am also aware that there are other developments in the Green Belt, which involve more substantial buildings or, in percentage terms, are in excess of the increase that would result from the appeal proposal. Not knowing the planning circumstances of these examples, I cannot speculate on why they were approved. Nor do I have the details by which to determine whether these cases are directly comparable with the appeal proposal, in terms of the characteristics of the site and the nature of the development proposed. While they may have been in excess of 50% of the original building, the test of disproportionate additions is a matter of fact and degree. I have therefore attributed very little weight to these other developments in consideration of the appeal scheme, which I have determined on its own merits. I also note the lack of objection from the local community and neighbours, though the Parish Council have subsequently withdrawn their support; this is a neutral factor that has no weight in the overall planning balance.

Conclusions

12. The Framework specifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although in this case the additional visual effect on the openness of the Green Belt would be moderate, substantial weight should still be given to any harm to the Green Belt. In this appeal I have also identified harm to the character and appearance of the host building, to which I also attach substantial weight. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

13. For the reasons given above, I find that the combined weight of the other considerations does not clearly outweigh the harm to the Green Belt and to the character and appearance of the host property. As such, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to saved Policies HG.15, D.2, D.4 and GB.2 of the Local Plan, Policy CP8 of the Core Strategy, and Policy GB3 of the Draft Placemaking Plan, and to the SPD, as well as the aims of the Framework, insofar as they seek to protect Green Belt openness and require the appearance of extensions

respect and complement their host building, and to resist development that would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

14. Consequently, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR