
Appeal Decision

Site visit made on 27 March 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/E2734/D/16/3166209

All Saints Meadow, Swindon Lane, Kirkby Overblow, Harrogate HG3 1HH

- 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 Braham against the decision of Harrogate Borough Council.
 - The application Ref 16/03000/FUL, dated 14 July 2016, was refused by notice dated 4 October 2016.
 - The development proposed is ground floor and first floor extension to dwelling, alterations to roadside boundary treatment, altered ground floor fenestration to south and west elevations.
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Decision

1. The appeal is dismissed.

Main Issues and Procedural Matter

2. The main issues are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
 - b) The effect of the proposed development on the openness of the Green Belt;
 - c) If the proposed development is 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 required to justify the proposed development.
 3. The appeal site is partly within the Kirkby Overblow Conservation Area (the Conservation Area) and is situated to the south of All Saints Church which is a Grade II listed building. The Council's officer report considers the effect of the proposed development upon the character and appearance of the Conservation Area but it does not consider the effect upon the setting of the listed building. These matters do not form part of the reason for the refusal of planning permission. Nevertheless, in considering whether to grant planning permission for development which affects a listed building or its setting I must have special regard to the desirability of preserving the building or its setting and I must also pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I have therefore considered these other matters after my assessment of the main issues.
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Reasons

Inappropriate development

4. Paragraph 89 of the National Planning Policy Framework (the Framework) establishes that the extension or alteration of a building in the Green Belt is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
5. The supporting justification to Policy H15 of the Harrogate District Local Plan (the Local Plan) refers to 'the ground floor area' of extensions to dwellings, and sets out that an extension of the ground floor area by more than 50% will not normally be permitted unless there is clear evidence of need for household occupation. Based upon the evidence before me, the appeal proposal would create an additional ground floor area of less than 27%.
6. However, the Framework refers to 'size'. Consequently, it is necessary to assess the overall size increase of the proposed development in terms of external dimensions and volume as well as considering the additional ground floor area. Whilst the footprint of the proposed extension would measure around 6m by 7m, it would be 2 storeys high. In addition, a first floor extension would be added above part of the existing dwelling. Overall, the resultant development would be of a substantial width, height and volume and would lead to a large increase in the size of the existing modest single storey bungalow. Comparing the size of the original building to the one that would result from the proposed development, the appeal proposal would result in disproportionate additions. I therefore conclude that it would be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

7. The Framework sets out at paragraph 79 that openness is an essential characteristic of Green Belts. The proposed disproportionate additions to the appeal property would, by reason of their width and height, have a negative, albeit fairly small, effect on the openness of the Green Belt. I conclude that this would result in a limited degree of harm.

Other considerations

8. The appeal proposal would provide an additional bedroom and more living accommodation for the appellants and their 2 children, to the benefit of their family life. However, based upon the evidence before me, I am not persuaded that the scale of the proposed development is the minimum necessary to achieve these benefits. I therefore attach limited weight to these other considerations.

Other matters

9. The Conservation Area is characterised by the linear T-shaped layout of mainly 2 storey predominantly residential buildings constructed from stone and slate which line Main Street, Swindon Lane and Barrowby Lane. The focal point of the Conservation Area is the impressive listed All Saints Church, which is situated near the junction of Main Street and Swindon Lane. The church is set at a considerably higher level than the appeal site and from the front of the church there are notable views across the roof of the existing dwelling towards Wharfedale and the surrounding countryside.

10. Although the appeal proposal would raise the height of the dwelling by around 3m, it would not have a significant effect upon views from or towards the listed building and Conservation Area because of the difference in levels. Moreover, the proposed development would be of a straightforward design which would reflect local architectural detailing and use traditional materials. It would therefore preserve the setting of the listed building and preserve the character and appearance of the Conservation Area and accord with the heritage conservation and enhancement aims of Local Plan Policy HD3 and Part 12 of the Framework. A finding of no harm in respect of these other matters is a neutral factor which does not weigh for or against the appeal proposal.

Conclusion

11. I have found that the appeal proposal would be inappropriate development in the Green Belt and would therefore, by definition, be harmful to the Green Belt. It would also result in a small loss of openness which would cause a limited degree of harm in addition to that arising from the inappropriate nature of the development. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. I conclude that the other considerations cited in support of the appeal proposal do not outweigh the harm it would cause to the Green Belt. Accordingly, very special circumstances do not exist and the proposed development would be contrary to the design and Green Belt protection aims of Local Plan Policy H15, Core Strategy Policies SG3, SG4 and EQ2 and to the core planning principles and Part 9 of the Framework.
12. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR