

Appeal Decision

Site visit made on 14 March 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 3rd April 2017

Appeal Ref: APP/N1025/D/17/3168709

The Cottage, The Croft, Morley, DE7 6AH

- 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 James Southgate against the decision of Erewash Borough Council.
 - The application Ref ERE/1116/0001, dated 2 November 2016, was refused by notice dated 18 January 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the site is located within the Green Belt, the main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies,
 - (b) The effect on the openness of the Green Belt.
 - (c) The effect of the proposals upon the character and appearance of the dwelling.
 - (d) The effect of the proposals upon the living conditions of neighbours with specific regard to outlook.
 - (e) If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and so any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate Development

3. Saved Policy GB4 of the Erewash Borough Local Plan 2005 (LP) supports extensions to dwellings in the Green Belt where the proposal does not result in disproportionate additions over and above the size of the dwelling as originally built.
 4. The National Planning Policy Framework (the Framework) seeks to control development within Green Belts and sets out a general presumption against inappropriate development. However, paragraph 89 of the Framework sets out
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a number of exceptions, and the extension or alteration of a building is regarded as not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. While the LP Policy GB4 is of some age, I consider that this policy is consistent with the advice in the Framework.

5. The Cottage is a modest 2-storey dwelling located at right angles to The Croft, an un-adopted access road which serves a number of dwellings along its length. It is rendered and painted and has a tiled roof. The proposal would replace an existing conservatory and would be a single storey extension of around 9metres in length. This would form a family room, which would be open plan with the existing kitchen.
6. As evidenced by the site planning history, the appeal property has been extended a number of times over a period between 1991-2003. Including the current proposals subject to this appeal, this would give rise to around 174% increase in volume from the original dwelling.
7. The cumulative extensions, including the appeal proposal, would therefore be more than double the volume of the original building. On this basis, I consider that the proposed development cannot reasonably be considered as anything other than a disproportionate addition.
8. I accept that the original property was particularly small and that visually it is difficult to tell how big the original dwelling was. However, the definition of 'original building' in the Framework is a building as it existed on 1 July 1948 and the property has already benefitted from a number of relatively generous extensions. For all of the above reasons I conclude that the appeal proposal, when taken cumulatively with previous extensions, would result in disproportionate additions over and above the size of the original building.
9. Given that I have concluded that the extension would amount to a disproportionate addition, it follows that the proposal constitutes inappropriate development within a Green Belt and would not accord with LP Policy GB4. The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be attributed to any harm to the Green Belt.

Green Belt Openness

10. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. In general, openness in a Green Belt context is a physical absence of buildings and structures, rather than an element of an area's character.
11. I accept that the position of the extension relative to existing buildings and vegetation would help to minimise the adverse impact in terms of loss of openness.
12. However, irrespective of the nature of its setting and surroundings, the proposal would result in an increase in volume of the house and it would extend it in to an area where there is currently no development. This would consequently result in a very small reduction in openness. Therefore, I find additional harm by reason of the reduction in openness to that resulting from inappropriate development. I therefore conclude that the development would

conflict with Policy 3 of the Erewash Core Strategy 2014 (CS) which seeks to maintain openness and the protection of the Green Belt.

Character and Appearance

13. I accept that the original character of the dwelling has largely been lost. However, the addition of a 9m extension would be excessive in comparison to the existing footprint. I consider that this would represent an overly long and incongruous form of development which would be out of keeping with the character of The Cottage as it is found today.
14. I therefore conclude that the development would cause harm to the character and appearance of the dwelling and would conflict with CS Policy 10, and LP Policies DC2 and GB4. Together, these policies seek to secure high quality design which is of a scale and design which relates to the existing dwelling.

Living Conditions

15. To the south of The Cottage is a pair of semi-detached dwellings which are set back in the plot from the access road. The flank gable of this pair of dwellings is located adjacent to the boundary with The Cottage, and is separated by a tall close boarded fence.
16. There is a small window to the side elevation at ground floor level serving the neighbouring dwelling. While the specific measurements of the gap between the proposed extension and the adjacent property are disputed by parties, I consider that the proposed extension would be located in particularly close proximity to the side elevation of the neighbouring dwelling.
17. Due to this proximity and the length of the proposed extension, all light into this window and the outlook from this would be blocked. The window appears to be a secondary window which serves a living room and is north facing. Nonetheless, the impact would be severe and would cause harm to the living conditions of occupants.
18. The harm I have identified would not be outweighed by the lack of objection by existing residents of this adjacent dwelling as it is necessary to consider amenity in respect of both existing and any future occupants.
19. I therefore conclude that the development would cause harm to living conditions of neighbouring occupants in respect of outlook. The development would therefore not accord with LP Policy DC2 which seeks to preserve the amenity of nearby residents.

Other Considerations

20. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be attached to that harm. Very special circumstances to justify such development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraphs 87 and 88).
21. I have already found that substantial weight must be given to the harm to the Green Belt by reason of inappropriateness of the development. I have also found harm in respect of character and appearance and living conditions.

22. I note the desire of the appellant to increase the amount of ground floor accommodation for their family. However, little weight can be attached to such personal circumstances and would not outweigh the totality of harm that I have identified. I therefore conclude that the very special circumstances necessary to justify the development do not exist. The development would therefore be contrary to CS Policy 3 and saved LP Policy GB4. As such the proposal would also be contrary to paragraphs 79, 87 and 88 the Framework.

Conclusion

23. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR