

Appeal Decision

Site visit made on 28 March 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 04 April 2017

Appeal Ref: APP/E2734/W/16/3163234

38 Bogs Lane, Harrogate, North Yorkshire HG1 4EB

- 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 Ms H Strachan against the decision of Harrogate Borough Council.
 - The application Ref 16/00947/FUL, dated 7 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is the conversion, alteration and extension of the garage to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application that was submitted to the Council included the conversion and alteration of the existing triple garage to form a dwelling. This also included a front extension and a roof lift. For the avoidance of doubt, I have considered the appeal on the basis of such a proposal.
3. As part of the appeal submission the appellant has included plans which show only a ground floor front extension and then separate plans which show only a roof lift. The appellant considers that the roof lift and front extension are physically separate from one another and that, if necessary, I should consider the possibility of issuing a split decision. I shall deal with this matter later in the decision.

Main Issues

4. The appeal site is in the Green Belt and so the main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal upon the openness of the Green Belt; and
 - If the development 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 development.
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Reasons

Site and Proposal

5. The appeal site comprises a triple single storey garage positioned to the side of No 38 Bogs Lane which is a two storey detached dwelling. The site is washed over by Green Belt. Most of the properties are residential and are positioned in a linear form alongside Bogs Lane.
6. It is proposed to convert and alter the garage to form a two bedroom dwelling including a two storey front extension and the installation of a new pitched roof to create a second floor. The eaves of the building would be increased from about 2.50 metres to 2.95 metres and the ridge height increased from approximately 4.20 metres to 7.00 metres.

Whether the proposal would represent inappropriate development

7. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. Paragraph 89 of the National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this are *"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"* and *"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*.
9. The Framework does not specify what might be a disproportionate addition over and above the size of the building. Whilst saved Policy H15 of the Harrogate District Local Plan 2001 (LP), as referred to by the Council in its delegated officer report, sets out in the supporting text that extensions which comprise development which is over 50% of the ground floor area will not normally be permitted in Green Belt, this policy pre-dates the Framework and does not give any guidance in terms of a consideration of the effect of an increase in the volume of development upon the openness of the Green Belt.
10. Therefore, whilst the proposal would be acceptable in so far that the ground floor area would not exceed the 50% threshold, I consider that a volume assessment is a better way of assessing whether or not a proposal is disproportionate or not: indeed, not all proposals relate to a "ground floor" and some proposals do not relate to a "floor area". Therefore, for these collective reasons, I afford limited weight to Policy H15 and greater weight to Green Belt policy in the Framework and Policies SG4 and EQ2 of the Harrogate District Core Strategy 2009 (CS).
11. When both the proposed front extension and the roof lift are considered in their totality, it would result in a significant increase in the volume of the existing triple garage. Clarification was sought from the appellant about the relative increase in the volume of the existing garage and they confirmed that this would represent an increase of about 326.5%. I consider that the

proposed development would amount to a disproportionate addition over and above the size of the original building, and therefore the proposal would represent inappropriate development in the Green Belt. Even if I was to consider that the proposal amounted to the "*partial redevelopment of previously developed land*", having regard to the definition of previously developed land in the glossary to the Framework, the proposal would still be inappropriate development in the Green Belt as it would have a much greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing single storey triple garage.

Openness

12. I acknowledge that triple garage is positioned between two existing dwellings. However, the garage is subordinate in scale to the host dwelling and, given its height, it ensures that there is an overall sense of space and openness between the two properties when viewed from Bogs Lane. I conclude that owing to the height of the proposed roof, coupled with the proposed front extension, the development would have a moderate impact on the openness of this part of the Green Belt.

Other Considerations

13. The Council has recently approved planning permission (Ref 16/03825/FUL) to convert the triple garage to a one bedroom dwelling. This does not include any extensions to the garage. The existing planning permission constitutes a weighty material planning consideration, and I have no concerns about the conversion of the garage in its current form.
14. When considered as a whole, the proposed extensions would constitute inappropriate development in the Green Belt. The appellant has referred me to 30 Bogs Lane where the Council approved a roof height increase of between 1 and 2 metres. This is not directly comparable with the appeal proposal where the relative roof height increase would be greater and, in any event, I do not have full details about the development at 30 Bogs Lane in terms of whether or not this constituted a disproportionate addition over and above the size of the original building. In any event, I have determined this appeal on its individual planning merits.
15. The appellant contends that the proposed change from a hipped roof to a pitched roof means that the roof would be "*more slim line*". However, it is the height/pitch of the roof which has the most significant impact on the openness of the Green Belt, and this would be in direct contrast with the existing low hipped roof.
16. The appellant has asked me to consider two alternative proposals. One proposal includes no roof lift and a single storey front extension, and a second proposal includes only a roof lift and no front extension. Whilst the appellant has provided me with copies of drawings relating to the above two alternative schemes, such development proposals were no the subject of public consultation.
17. In addition to the above, it would not be possible for me to issue a split decision as the planning application submission does not include a single storey front extension and nor does it include a roof lift without a two storey front extension. In essence, the appellant is asking me to consider two

different amended schemes, and this is entirely different from asking me to consider issuing a split decision. The proposed extensions are interconnected and are not severable. It would be open to the appellant to apply separately for an alternative proposal, but in this case I am required to determine the plans that were the subject of the Council's refusal notice.

Planning Balance

18. The planning application proposal would constitute inappropriate development in the Green Belt. When considered as a whole, moderate harm would be caused to the openness of the Green Belt. The substantial weight to be given to Green Belt harm, and any other harm, arising from the proposal would not be clearly outweighed by other considerations sufficient to demonstrate very special circumstances. Therefore, the proposed development would not accord with the Green Belt aims of the Framework and Policies SG4 and EQ2 of the CS. Whilst the proposal would not conflict with the ground floor extension threshold as detailed in saved Policy H15 of the LP, this does not outweigh the significant harm that would be caused to the openness of the Green Belt based on the overall volume of the proposed extensions.

Other Matters

19. I have taken into account representations made by other interested parties including letters of support. Many of the comments made have already been addressed in the reasoning above.
20. I do not know the exact circumstances which led to housing estates being approved elsewhere on Bogs Lane and, in any event, I have determined this appeal on its individual planning merits.
21. I note the comments made by the occupier of No 36 Boggs Lane who states that the proposal would be *"aesthetically more pleasing than the existing building and will also blend in with other properties in the immediate neighbourhood"*. However, and even if this were the case, it would not outweigh the identified harm that would be caused to the Green Belt.
22. None of the other matters raised outweigh my overall conclusions on the main issues.

Conclusion

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

Daniel Hartley

INSPECTOR