

Appeal Decision

Site visit made on 30 March 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 10th April 2017

Appeal Ref: APP/X4725/D/17/3167449

6 Doncaster Road, East Hardwick, Pontefract WF8 3EQ

- 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 Pete Foley against the decision of Wakefield Metropolitan District Council.
 - The application Ref 16/02270/FUL was refused by notice dated 20 December 2016.
 - The development proposed is the erection of a double storey front extension.
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Decision

1. The appeal is dismissed.

Main issue

2. The site lies within the Green Belt. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to national policy and the development plan;
 - the effect of the proposal on the openness of the Green Belt and the purposes for including land within it; and
 - whether any 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 the development sought.

Reasons

Whether the proposal is inappropriate development

3. The proposal is to erect a 2-storey extension at the front of the appeal property, which is a detached 2-storey house in a row of detached dwellings that face Doncaster Road. The central section of the existing porch and its roof would be demolished and removed to make way for the new addition.
 4. The National Planning Policy Framework (the Framework) states that whilst the construction of new buildings in the Green Belt is inappropriate, exceptions include extensions to existing buildings provided they do not result in disproportionate additions over and above the size of the original building. Policy D 23 (Part 2a) of the Council's Local Development Framework Development Policies (DP) is broadly consistent with this approach.
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5. There are various ways of measuring and assessing proportionality, but the test is primarily an objective one based on size. Neither the effect of the proposal on the openness of the Green Belt, the purposes for including land within it or visual impact form part of the test of inappropriateness for this type of development. Rather, the test as it is expressed in the Framework and the relevant part of DP Policy D 23, is confined to whether or not the sum total of any extensions to the original building would be disproportionate.
6. As the appellant points out, there is no firm advice in the Framework or the DPD as to what amount or percentage uplift in terms of volume or floor space would qualify as being a disproportionate addition. Consequently, these judgments are left to the decision maker.
7. The appeal property has been extended with a 2-storey side and rear addition and a conservatory at the back of the main building. According to the Council, these extensions have increased the floor area of the original dwelling, which it states measured some 107.35sqm, by just over 70sqm. The Council estimates that the proposal would add a further 9.32sqm to the floor area of the dwelling. On that basis, the proposal with the other extensions to the property, taken together, would total just over 79.3sqm, which is a cumulative increase in the size of the original dwelling of almost 74%. The Council also states that the increase in the volume of the original building resulting from the existing and proposed extensions would be just over 70%.
8. In the grounds of appeal, the appellant states that the proposal would amount to a cumulative increase of about 70% in the footprint of the original property. The Council also states that estimates provided by the appellant indicate an overall increase in the size of the original building resulting from existing extensions and the new addition (omitting the garage) to be 69% in volume.
9. Either way, it seems to me that an increase in size of the magnitude estimated by each main party would clearly indicate that adding the proposal to the other extensions would result in a building that would be significantly larger and disproportionate to the size of the original building. On the first main issue, I therefore conclude that the proposal is inappropriate development, which is, by definition, harmful to the Green Belt. As such, it conflicts with DP Policy D 23 (part 2a) and the Framework.

Openness of the Green Belt and the purposes for including land within it

10. An essential characteristic of Green Belts is their openness. By introducing additional built form, the openness of the Green Belt would be reduced. Given the modest size of the proposal and the substantial building to which it would belong, that loss of openness would be very limited. Nevertheless, paragraph 88 of the Framework clearly states that substantial weight should be given to any harm to the Green Belt, which I have done in this case.
11. Although there would be a small infringement onto an undeveloped area, the proposal would not materially conflict with any of the purposes of the Green Belt, including assisting with safeguarding the countryside from encroachment.

Other considerations

12. The Framework makes it clear that substantial weight is to be given to any harm to the Green Belt. It advises that that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. The appellant states that the proposal would provide improved access and living conditions of a registered disabled occupier with restricted mobility. Specifically, a larger porch, as proposed, would provide extra space to enter and exit the property with a seating area to put on or remove footwear. A walk in wardrobe within the new first floor element would also enable the bedroom to be kept free of items that might otherwise obstruct movement. It would also create sufficient space for two single beds to be accommodated in the room. I am sympathetic to each of these matters, which would improve the appellant's living conditions. However, personal circumstances rarely outweigh more planning considerations and I attach only moderate weight to these considerations in support of the appeal.
14. The extension would be appropriate in design and respond to the form and appearance of the host building, with external materials to match the existing dwelling. There would be no adverse visual impact on the character, appearance and pattern of development in the area or the living conditions of others. As the finished dwelling would stand comfortably within a generous sized plot, the proposal would not constitute an overdevelopment of the site. The absence of harm with regard to each of these matters is not a positive or a negative factor that weighs for or against the appeal. These considerations are, therefore, neutral in weight.

Conclusion

15. Overall, I conclude that the harm caused by the inappropriateness of the proposal and its effect on the openness of the Green Belt carry substantial weight. The other considerations carry no more than moderate weight.
16. Therefore, on balance, there are no considerations sufficient to clearly outweigh the harm to the Green Belt and so there are no very special circumstances to justify the proposal. Accordingly, the appeal is dismissed.

Gary Deane

INSPECTOR