

Appeal Decision

Site visit made on 4 May 2017

by G Powys Jones MSc FRTPI

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

Decision date: 19 May 2017

Appeal Ref: APP/F0114/D/17/3170243

Lakmuthu Cottage, Dunkerton, Bath, BA2 8BR

- 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 Mrs Yvonne Perera against the decision of Bath and North East Somerset Council.
 - The application Ref 16/05965/FUL, dated 8 December 2016, was refused by notice dated 3 February 2017.
 - The development proposed is a first floor addition to single storey dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The appeal property is located within the Green Belt (GB). Accordingly, the main issues are:
 - Whether the proposed development is inappropriate or not inappropriate development in the GB in the terms of the *National Planning Policy Framework* (the Framework) and local development plan policy;
 - The effect on the openness of the GB, the character and appearance of the host property and its surroundings, and on the living conditions of neighbouring residents with particular reference to light and visual impact;
 - If it is inappropriate development, whether the harm caused 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.

Reasons

Inappropriate or not inappropriate development

3. Paragraph 89 of the Framework says that, provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of buildings is not inappropriate in Green Belts. The term 'original building' is defined as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
4. Policy CP8 of the Bath and North East Somerset Composite Core Strategy (CS) provides that the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy. A footnote to the policy says that the 'Existing Buildings in the Green Belt'

Supplementary Planning Document (SPD) will continue to guide decisions on proposals within the GB.

5. Saved Policy HG.15 of the Bath & North East Somerset Local Plan (LP) sets out the Council's policies on house extensions in the GB. The thrust of the policy is that limited house extensions will be permitted unless they represent a disproportionate addition over and above the size of the original dwelling.
6. The appellant says that:
*'Disproportionality **must** (my emphasis) be considered in the context of the existing building and **those surrounding it**' (my emphasis).*
7. However, I see nothing in the texts of national or local policy relating to house extensions in the GB to support the assertion that the nature of surrounding buildings should be taken into account in assessing the proportionality or otherwise of a proposed addition to a particular building, and no reference has been made to any policy, local or national, to that effect. As has already been explained, national and local policy is promulgated with reference to the 'original' building or dwelling alone.
8. The term 'disproportionate additions' is not empirically defined in the Framework, and nor does LP policy provide numerical guidance as to what is meant by 'disproportionate additions'. The Council's SPD provides some guidance on this issue, but in my experience, decision-makers commonly use a variety of yardsticks to assess the acceptability of extensions or additions in the GB, including footprint, floorspace and volume measurements. In some circumstances, subjective assessments are also made.
9. The appeal property is a 3 bedroomed bungalow, and the appellant proposes to add a first floor that would accommodate two en-suite bedrooms, a living room/sitting area and a study.
10. The Council says that this would result in a 70% volume increase over and above that of the original dwelling. The appellant disputes this in her grounds of appeal, and says that the volume increase would be around 44%. I note however that the Council's figure is based upon that provided in the appellant's Design & Access Statement, which accompanied the original application.
11. There is no dispute that the building's floor area would be virtually doubled. Moreover, there would be a substantial increase in the building's perceived mass and bulk, which in my view is an inevitable outcome of a proposal to convert a bungalow into a two-storey dwelling.
12. All these factors, taken in combination, irrespective of the fact that the footprint of the dwelling would not be increased, indicate strongly to me that the proposal would amount to a disproportionate addition to the original building in the terms of national and local policy, even if the lower 44% volume increase figure were utilised.
13. I therefore conclude that the proposal comprises an inappropriate development in the GB having regard to the policy guidance of the Framework, and the provisions of CS policy CP8 and LP policy HG.15, to which I have already referred. Inappropriate development in the GB is, by definition, harmful and this carries substantial weight against the proposed development.

Openness, character & appearance, living conditions

14. The appeal property stands within a cluster of dwellings and other buildings, set within the countryside, in a slightly elevated position alongside the A367, a busy highway. It is sited slightly forward of its immediate neighbours on either side, and because of this and its elevated position, the bungalow is seen plainly from below from some, albeit limited viewpoints on the A367. The additional mass and bulk proposed to the dwelling resulting from the the addition of another floor would be apparent in the public realm, and in my opinion it would inevitably and harmfully impact on the openness of the GB.
15. One of the essential characteristics of the GB is its openness. The harmful effect on openness I have found represents additional harm to the GB over and above that resulting from the inappropriate nature of the development. This also attracts substantial weight against the development.
16. In its response to consultation on the original application, the Council's Landscape Team made the following observations:

The cluster of buildings of which the current dwelling is part are varied in form, materials and typology; many have extensions; none are listed; and the settlement has not warranted designation as a Conservation Area. As such it is typical of a number of settlements in the Cam and Wellow Brooks RLCA. Given that the current building is a bungalow of no particular architectural merit I cannot see that the proposed additional storey would be detrimental to the character and local distinctiveness of the landscape indeed it may afford an opportunity to conserve and enhance it in a way that the current building does not. As such I consider that the addition of another storey to the existing dwelling would not, in principle, contribute to the deterioration in rural character as a result of the cumulative effect of extensions though again this would depend on the final design of the building and the materials used in its construction.
17. Although its views were not wholly taken on board by the Council in its determination, I share the thrust of most of what the Landscape Team had to say, particularly taking account of the fact that the dwelling's zone of visual influence is limited, due largely to the lie of the land and the screening afforded by nearby trees and vegetation. Moreover, most of the other buildings in the cluster, of which the appeal property forms a part, are two-storey. An appropriately designed additional storey would not therefore harm the character and appearance of the host property nor would it materially affect the surrounding landscape. These are matters that attract moderate weight in the scheme's favour.
18. In response to the Council's criticism of the extension's design, the appellant prepared a revision for the appeal. This was unnecessary since the original design, although somewhat modernistic in approach, particularly in its approach to fenestration, is not in my view objectionable. This weighs slightly in the scheme's favour.
19. The Council's concerns on living conditions stem largely from the increased bulk proposed and its resultant effect on the residents of both neighbouring properties. To my mind, however, although the changes involved would be noticeable, neither of the neighbouring residents would suffer harm from loss of light, adverse visual impact or any other reason. This attracts some, albeit slight weight in the scheme's favour. Although not decisive in my considerations on this aspect, I note that neither neighbour objected to the scheme when consulted.

Planning balance and overall conclusions

20. The harm I have identified as a consequence of the inappropriateness of the development in the GB carries substantial weight against the proposals.
21. The loss of openness to the GB involved also attracts substantial weight against the scheme.
22. The scheme's acceptable design, its not unacceptable level of impact on the landscape and host property attracts moderate and slight weight respectively in favour of the scheme.
23. That the scheme, if implemented, would not result in harm to neighbouring residents also attracts slight weight in favour.
24. I conclude that the harm caused by reason of inappropriateness and loss of openness clearly outweighs any advantages of the proposal. Accordingly, the very special circumstances necessary to justify the development do not exist, and the appeal must fail.

G Powys Jones

INSPECTOR