
Appeal Decision

Site visit made on 19 May 2017

by Ken Barton BSc(Hons) DipArch DipArb RIBA FCI Arb

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

Decision date: 26 May 2017

Appeal Ref: APP/F0114/D/17/3172264

Hill Cottage, Woollard Lane, Publow, Bristol BS14 0QS

- 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 and Mrs B Coles against the decision of Bath & North East Somerset Council.
 - The application Ref 116/05386/FUL, dated 31 October 2016, was refused by notice dated 28 December 2016.
 - The development proposed is the construction of a hipped roof over the existing garage flat roof and the erection of a rear garden lobby including fenestration changes to the rear elevation.
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Decision

1. The appeal is dismissed insofar as it relates to the construction of a hipped roof over the existing garage flat roof. The appeal is allowed and planning permission is granted insofar as it relates to the erection of a rear garden lobby and fenestration changes to the rear elevation at Hill Cottage, Woollard Lane, Publow, Bristol BS14 0QS in accordance with the terms of the application, Ref 116/05386/FUL, dated 31 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) the development hereby permitted shall be carried out in accordance with the approved plans nos 16.215/01A, 02A, 03A and 04A.
 - 3) No development shall commence until details / samples of the materials to be used in the construction of a rear garden lobby and fenestration changes hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Main Issues

2. I consider that the main issues in this case are: 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; the effect on the openness of the Green Belt; the effect of the proposal on the character and appearance of the area, and would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt.

3. Paragraph 79 of the National Planning Policy Framework (NPPF) states that “the essential characteristics of Green Belts are their openness and their permanence”. Paragraph 89 indicates that the construction of new buildings in the Green Belt should be regarded as inappropriate unless for one of a number of exceptions including “the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building”.
4. The Council indicated in pre application advice that an increase of up to 33% of the original volume, or as it stood in July 1948, would be likely to be acceptable. Whilst design and character are considered the Council notes they are rarely considered adequate to justify extensions significantly in excess of 33%. The Appellant calculates the original volume as 745m³ with the garage roof as 76m³ and the proposed porch 12.5m³. This gives a percentage addition of 10.2%.
5. However, the Council now maintains that there have been at least two extensions since 1948. A double garage in 1976 (application DC-C.3769) and a two storey side extension in 1983 (application DC-W.C.3769/D). On this basis the original volume was 443m³ and the proposal, together with the previous extensions, results in an increase in volume of 85%. I note the Appellant’s view that the volume has been misrepresented as the double garage replaced an existing garage and the extension incorporated structures such as an air raid shelter, a scullery and coal store that were in existence in 1948. Notwithstanding this no alternative calculations of volume have been produced in the light of the ‘misrepresented’ figures.
6. In these circumstances I can only conclude that the proposal would be a disproportionate addition to the original building and would, therefore, constitute inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

7. Paragraph 87 of the NPPF emphasises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that substantial weight should be given to any harm to the Green Belt and goes on to say that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
8. Openness is an essential characteristic of Green Belts. Whilst the porch on the rear elevation would be barely noticeable in terms of impact on openness, the pitched roof on the double garage would have a significant detrimental impact on openness, particularly given its position on the skyline.

Effect of the proposal on the character and appearance of the area

9. The appeal property is one of a number of individually designed dwellings on the south side of Woollard Lane. However, the flat roofed double garage appears out of keeping. The provision of a pitched roof over the garage would

create a more balanced front elevation and improve the character and appearance of the area, a view accepted by the Council.

10. The Council also accepts that the alterations to the rear, including the porch and sliding folding doors, would be permitted development as long as the materials used are of similar appearance to those used in the construction of the existing house.

Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal

11. Notwithstanding the improvement that the pitched roof over the garage would make to the character and appearance of the surrounding area, the harm by reason of inappropriateness together with the loss of openness would clearly outweigh any other considerations in this case such that 'very special circumstances' would not exist to justify the roof element of the proposal.
12. However, I intend to allow the porch and fenestration changes that are 'permitted development' elements of the proposal.

Other Matter

13. Reference has been made to a section 52 agreement dated 8 September 1983 which seeks to restrict the use of an extension to domestic purposes ancillary to the existing dwelling. That would still be the case if this appeal were allowed so the agreement would not prevent the proposal.

Conditions

14. In addition to the standard time condition I consider that the approved drawings should be confirmed by condition and that to safeguard the character and appearance details and/or samples of proposed materials should be submitted for approval.

Ken Barton

Inspector