
Appeal Decision

Site visit made on 20 June 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 13th July 2017

Appeal Ref: APP/N2739/W/17/3171992

18 Springfield Crescent, Kirk Smeaton, Selby, WF8 3LE

- 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 Richard Hill against the decision of Selby District Council.
 - The application Ref 2016/1168/FUL, dated 30 September 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the change of use from a detached bungalow to a pair of semi detached bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan; and
 - The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and
 - Whether the proposal would provide adequate living conditions with regard to outdoor amenity space, and
 - If it is inappropriate development, 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 the development.

Reasons

Whether inappropriate development in the Green Belt?

3. The appeal site comprises a detached bungalow in a residential area and is within the Green Belt. It has recently been extended to provide an attached garage with a pitched roof. The proposal seeks the conversion of the garage to form a separate dwelling and also includes the erection of two single storey extensions.
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4. Policy SP2 of the Selby District Core Strategy (Core Strategy) sets out the Council's spatial development strategy. Criterion A (d) advises that in the Green Belt, including villages washed over by Green Belt, development must confirm to Policy SP3 and national Green Belt policies.
5. Core Strategy Policy SP3 (criterion B) indicates that in accordance with the Framework, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the application has demonstrated that very special circumstances exist to justify why permission should be granted.
6. Paragraph 89 of the Framework establishes that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt subject to a number of exceptions. Paragraph 90 of the Framework describes certain other forms of development that are also not inappropriate in the Green Belt. Both parties refer to a number of these exceptions to Green Belt policy which I have considered.
7. Bullet point 3 of paragraph 89 of the Framework concerns 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. The Council considers the original building to have a volume of some 480 cubic metres. It already has an existing extension with a volume of 127 cubic metres. The appeal scheme proposes a side porch extension and a flat roof side/rear extension which together the Council indicates would have a volume of around 42 cubic metres.
8. As such, the Council contends that the cumulative volume of the approved and extensions would be around 169 cubic metres. This equates to a 35% increase in the volume of the original building. The appellant does not dispute these figures. The term disproportionate is not defined in the Framework and I have not been referred to any Council guidance on this matter (although I acknowledge the general rule of thumb referred to by the parties that extensions exceeding 50% would normally be considered disproportionate). Be that as it may, in this instance the proposal would also lead to the change of use of the domestic garage to provide an additional and independent dwelling. As such, the proposal would not meet this exception.
9. Bullet point 5 of paragraph 89 of the Framework allows limited infilling in villages. The site is within the defined settlement limits of Kirk Smeaton but the Council offers no views in relation to this exception. Nor have I been made aware of any local guidance in respect of infilling in the Green Belt. The Framework does not define limited infilling either, but in practical terms it seems to me that the term refers to the filling of a hole or gap, or the placing of buildings to occupy the space between existing ones. In this instance, whilst it is within the village the appeal site is not a space or gap. Rather, the proposal concerns the conversion and extension of an existing domestic garage there. Consequently, I am not persuaded that the proposal would meet this exception.

10. Bullet point 6 of paragraph 89 of the Framework concerns limited infilling or the partial or complete demolition 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. However, the definition of previously developed land at Annex 2 of the Framework excludes land in built-up areas such as private residential gardens.
11. Since the proposed extensions would be on land which forms part of the host property's private garden I am not convinced that the appeal proposal as a whole would necessarily meet this definition. Besides, an assessment of the proposal's impact on the openness and purposes of the Green Belt is also required in order to satisfy this exception.
12. Paragraph 80 of the Framework sets out the purposes of the Green Belt. These are to check unrestricted sprawl of built up areas, prevent towns merging, safeguard the countryside from encroachment, preserve historic towns, and assist in urban regeneration. No objections are raised by the Council in relation to the proposal's impacts on the purposes of the Green Belt. Given the site's location within an established area of residential development that is surrounding by other dwellings, I concur that the proposal would not have a greater impact on the purposes of including land within the Green Belt than the existing development.
13. In terms of openness, the appellant considers that the impact on openness will in reality be no different to the other numerous dwellings on Springfield Crescent. I accept that the site is within the village, surrounded by existing development and does not make a significant contribution to the openness of the wider Green Belt in the locality. It is also on the inner part of the Crescent and so does not relate closely to the open agricultural land further to the south and east.
14. Even so, the site is within the designated Green Belt and the proposal would lead to the introduction of an additional dwelling. Albeit that the proposal concerns a conversion, it would create a further driveway and associated frontage car parking along with another separate domestic curtilage. The use of the outside areas for domestic purposes would be likely to lead to further boundary enclosures and more domestic paraphernalia. Moreover, the proposed extensions would enlarge the size of the existing garage building and introduce built development to parts of the site where there is currently none. Whilst I accept that the proposal would not lead to any harmful urbanisation of the area, which is already in residential use, it is inevitable that all these factors would have some adverse effect on the openness of the Green Belt over and above that of the existing development. This being so, I do not regard the proposal to meet the exception at bullet point 6 of paragraph 89 of the Framework.
15. Paragraph 90 of the Framework sets out certain other forms of development that are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include (at bullet point 4) the re-use of buildings provided that the buildings are of permanent and substantial construction. The Council considers that the existing building is of permanent and substantial construction and I have seen no evidence that would lead me to a different view.

16. However, as set out above, rather than concerning only the re-use of an existing building, the proposal also includes extensions to that building. Furthermore, I have found that it would have a greater impact on the openness of the Green Belt than the existing development, and so would fail to preserve the openness of the Green Belt. As a consequence, the proposal would not meet the exception to Green Belt policy set out at bullet point 4 of paragraph 90 of the Framework.
17. Bringing matters together, all proposals for development in the Green Belt should be treated as inappropriate unless they come within one of the categories in either paragraph 89 or 90 of the Framework. Proposals comprising material changes of use (other than the re-use of buildings of permanent and substantial construction which is considered above), do not come within either of those paragraphs and thus are inappropriate development that must be justified by very special circumstances.
18. Since it would not meet any of the exceptions set out at paragraphs 89 or 90 of the Framework, the proposal would therefore be inappropriate development for the purposes of national Green Belt policy as set out at paragraph 89 of the Framework. This harm, by reason of inappropriateness, attracts substantial weight as set out at paragraph 88 of the Framework. The proposal would also be contrary to Core Strategy Policy SP3 (criterion B).

Openness and character and appearance

19. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. As set out above, I consider that that the proposal would result in some loss of openness. In isolation the loss of openness would be very limited, however this harm attracts substantial weight as set out at paragraph 88 of the Framework.
20. Springfield Crescent is well screened from Water Lane and is characterised by a variety of bungalows including some in a chalet style, and some two storey dwellings. There are also examples of semi-detached properties nearby. The proposal would sub-divide the existing plot to create an additional dwelling. It would be attached to the host dwelling such that a pair of semi-detached houses would result.
21. However, as a recently constructed domestic garage the existing extension is designed to appear subservient to the host dwelling. Accordingly, even taking into account the intended extensions, the proposed house would be significantly smaller than the host dwelling and have a much narrower front elevation. The plot would be divided and the proposed house would also have a substantially more modest garden area and less extensive road frontage than the host property. This would lead to a rather mismatched and unbalanced appearance to the resultant pair of dwellings.
22. I appreciate that the properties at the end of the crescent take up almost the entire widths of their plots and views into their back gardens (which form the circular centre of the crescent) are very limited. Even so, the houses there all have relatively wide road frontages which are each occupied by a single dwelling. Whilst there are examples of semi-detached houses nearby (at Nos 12 and 14 on the main part of the crescent and at Nos 17 and 19, and 23 and 25, which are located on a short spur off the main crescent to the south east) these were constructed as such. They each enjoy relatively spacious plots and

share a predominantly symmetrical appearance. At my visit I saw no examples of development nearby that had led to the sub-division of the original plots.

23. In this context, the separate residential use of the garage and the dividing up of the host property's plot and creation of a much smaller house and curtilage, would detract from the appearance of the host property and appear directly at odds with the surrounding pattern of development in Springfield Crescent. Although I acknowledge that there is no planning law that requires semi-detached buildings to exhibit symmetry, in my view the proposal would lead to a cramped form of development that would appear awkward and squeezed in. This being so, it would stand out as an unsympathetic and incongruous feature in the street scene that would detract from the established residential character of the locality.
24. I therefore conclude that the proposal would be harmful to the character and appearance of the area. This would be contrary to Policy ENV1 of the Selby District Local Plan (Local Plan) which states that in considering proposals the Council will take account of (amongst other things) the effect upon the character of the area or the amenity of adjoining occupiers (criterion 1). It would conflict with Core Strategy Policy SP4 which concerns the management of residential development in settlements and expects proposals to protect local amenity and to preserve and enhance the character of the local area (criterion C). It would be at odds with Core Strategy Policy SP19 which concerns design quality and expects new development to have regard to local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. It would also fail to support the core planning principle of the Framework to always seek to secure high quality design. This matter adds moderate weight against the proposal.

Living conditions

25. Although I have not been provided with any particular standards or guidelines as to the Council's requirements in this regard, I agree that the gardens of both the proposed house and the host property would not be particularly spacious, particularly in the context of the larger plots nearby. Nevertheless, even taking into account the fact that the dwellings would each have three bedrooms and be suitable for family occupation, the proposed gardens would in my view provide adequate space for normal domestic activities such as hanging washing outside to dry, or to sit and enjoy the outdoor environment.
26. I therefore conclude that the proposal would provide adequate living conditions with regard to outdoor amenity space (for both the existing and proposed dwellings). As such I see no conflict with Local Plan Policy ENV1 which states that in considering proposals the Council will take account of (amongst other things) the effect upon the character of the area or the amenity of adjoining occupiers (criterion 1). The proposal would not be contrary to Core Strategy Policy SP4 which concerns the management of residential development in settlements and expects proposals to protect local amenity and to preserve and enhance the character of the local area (criterion C). It would also support the core planning principle of the Framework to secure a good standard of amenity for all existing and future occupiers of land and buildings. The absence of harm in relation to this main issue, counts neither for, nor against the proposal.

Other considerations

27. According to the Framework (paragraph 87) inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellant has forwarded a number of other considerations in favour of the proposal.
28. The Council accepts that it cannot demonstrate a 5 year supply of deliverable housing land. The appellant refers to paragraph 49 of the Framework and the presumption in favour of sustainable development set out at paragraph 14 of the Framework. However, the second bullet point of paragraph 14 advises that where the development plan is out-of-date permission should be granted unless specific policies in the Framework indicate development should be restricted. Footnote 9 is clear that an example of this is land that is designated as Green Belt. Nevertheless, notwithstanding its limited scale for a single dwelling, the scheme's contribution to housing land supply is a benefit of the proposal that counts in its favour.
29. Despite the concerns of local residents, the Council raises no objections to the proposal in terms of its effect on the living conditions of nearby occupiers, highway safety, drainage, contaminated land, climate change, flood risk and nature conservation, or in terms of the sustainability of the site's location and the matter of affordable housing. The absence of harm in these regards counts neither for, nor against the proposal.

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 the development

30. The proposed development would be inappropriate development and result in a very limited reduction in openness. The Framework (paragraph 88) establishes that substantial weight should be given to any harm to the Green Belt. There would also be some modest harm to the character and appearance of the area, and conflict with the development plan. The lack of harm in relation to the purposes of the Green Belt and the living conditions that would be provided for the future occupants of the proposed house and the host property in terms of outdoor amenity space, have a neutral effect in the overall balance. On the other hand, the proposal would result in the benefit of a single dwelling against the backdrop of the Council's lack of a five year supply of deliverable housing sites. However, this benefit of the scheme, along with the other considerations in this case, do not clearly outweigh the totality of the harm identified and as such, the very special circumstances necessary to justify the development do not exist.

Conclusion

31. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR