
Appeal Decision

Site visit made on 5 July 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 24 July 2017

Appeal Ref: APP/P0240/W/17/3171508

Stamp Cottage, 112 Lydds Hill, Ridgmont MK43 0UE

- 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 R Coney against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/05641/FULL, dated 5 December 2016, was refused by notice dated 31 January 2017.
 - The development proposed is the 'conversion of garage and rear extension'.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are six main issues in the determination of this appeal, these are:
 - Whether the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt;
 - If the proposed development would be 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 proposed development;
 - Whether or not the proposed development would be acceptable in the context of highway safety;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of existing and future occupiers.

Reasons

Inappropriate Development in the Green Belt

3. Paragraphs 89 and 90 of the Framework¹ set out exceptions to the general presumption against the construction of new buildings in the Green Belt. Relevant to the case before me is the re use of buildings provided they are of

¹ The National Planning Policy Framework 2012

permanent and substantial construction and 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 garage appears relatively modern, it is built of masonry, is solid and there are no clear visual signs of deterioration. I am satisfied therefore that it is of permanent and substantial construction.

4. The building appears to be original, in effect all part of one and the same erected garage with a single span wide set gable roof. There are no obvious signs it has been altered. The proposed extensions to it would constitute close to half of its existing ground floor area as well as adding mass to the roof in the shape of two dormer windows. Whilst the former would be single storey with a flat roof I would consider its size in addition to the proposed dormers, in respect of the original building, to be disproportionate. Consequently, and for this reason, the proposed development would be inappropriate development in the Green Belt which the Framework considers to be harmful by definition².

The Openness of the Green Belt and Other Considerations

5. Openness is an essential characteristic of the Green Belt. Not solely limited to visual matters, openness also has a spatial aspect which can be taken to mean the absence of built form.
6. The proposed rear extension would be well screened by virtue of both its siting and the extent of mature planting to the appeal site's boundaries. The planting would also go some way to screening the dormer additions to the roof. Nonetheless, as an increase in the amount and mass of built form on the site, there would be a net reduction in the spatial aspect of the openness of the Green Belt in both land take and volumetric terms. My concerns in this respect are emphasised by the combined size of the additions in the context of the original building as I have set out above.
7. There would be some harm arising out of this loss of openness, harm to which I attribute substantial weight³. This would be in addition to the harm that would be caused by the inappropriateness of the proposed development. The appellant has not advanced any other considerations to weigh against these harms. A case for very special circumstances in their light has therefore not been made.

Highway Safety

8. Access to the appeal site is via a narrow, unlit single width rural track known as Lydds Hill. Overhanging trees line either side and there are a number of private driveways that connect to it. There are a limited number of discernible passing places which are not obvious and tend to be informal areas at points where private driveways meet the track. The junctions that connect either end of Lydds Hill with Station Road are almost parallel to each other which limits visibility for exiting vehicles.
9. The proposed development would add one dwelling and whilst it is currently a garage and some comings and goings would be associated with it, any new movements would be independent of, and as well as the existing dwelling which would remain. This would add more traffic to a lane which already

² Paragraph 87 of the Framework

³ Paragraph 88 of the Framework

suffers from flow and visibility problems due to its nature, design and layout as I have described it. The proposed development thus has the potential to exacerbate a pre-existing problem in these respects, increasing the likelihood of vehicles having to reverse into oncoming traffic should they meet where there is no ability to safely pass. New traffic numbers would arguably be low in context, but in my view this is an argument that could be repeated too often.

10. For the reasons I have set out, the proposed development would be detrimental to the safe use of the highway. Consequently it would fail to accord with Policy DM3 of the Local Plan⁴. Amongst other things and along with the Framework, this Policy sets out that new development should be appropriate and of a high quality in terms of their design and create safe and secure layouts which minimise conflict.

Character and Appearance

11. The appeal site is relatively secluded in a landscaped plot to the south side of Lydds Hill. It is elevated from the road but boundary planting plays a key role in obscuring the majority of the curtilage from obvious public views. The main dwelling is visible but the garage is more 'tucked away' in the corner and taking into account my findings above in respect of the visual aspect of the Green Belt, the proposed physical works would be well hidden.
12. Whilst the wider area is very rural in its general character and appearance, I would find it difficult to reconcile an argument that the proposed development, which for some part is a conversion scheme, would cause harm to the character or appearance of the area for the reasons that I have set out. Thus, in respect of this main issue, the proposed development would not conflict with Policies DM3 of DM4 of the Local Plan or the Framework. These policy positions seek to ensure, amongst other things, that new development is of a high quality and contextually appropriate design and appearance and the intrinsic character and beauty of the countryside is safeguarded from harm.

Living Conditions

13. The proposed dwelling would have a largely open plan living space on the ground floor, full height; glazed bi fold doors would serve the space, effectively replacing the existing double garage door. The doors would face in the direction of the side elevation of Stamp Cottage, in which is a single window.
14. Whilst the living space would have a direct line of sight towards the aforementioned window, the angle of the elevations of each building relative to each other as well as the separation distance would acceptably mitigate against any perceived loss of privacy. In addition, the private garden space to Stamp Cottage is situated to its own rear elevation, which would not be apparent from the living space windows of the new dwelling.
15. With regard to the provision of private amenity space for the new dwelling, the plans before me do not show a demarcated residential curtilage. That said, it seems to me that there is sufficient space within the grounds of the existing dwelling to be able to sub divide it in a way that would provide an acceptable amount and standard of garden space for both dwellings. This could be secured by an appropriately worded planning condition.

⁴ Central Bedfordshire Local Development Framework: Core Strategy and Development Management Policies 2009

16. For these reasons, and with regard to this main issue, the proposed development would be acceptable in the context of the living conditions of both existing and future occupiers. There would therefore be no conflict with Policy DM3 of the Local Plan and the Central Bedfordshire Design Guide 2014 in this regard. This policy and additional guidance, amongst other things and along with the Framework, seek to ensure that new development respects the amenity of surrounding properties and provides a good standard of amenity for existing and future occupiers of land and buildings.

Other Matters

17. The appellant states that the Council are unable to demonstrate the supply of housing sites as required by the Framework. By way of update however, the Council set out that, since the determination of the planning application, they are now able to. I have no detailed evidence to support either stance.
18. Regardless, the proposed development would make a very limited difference to an under supply situation if indeed there is one. The benefits would be limited to a contextually small contribution towards housing provision and mix locally and there would be some equally limited investment in the local economy through sustaining employment in the construction industry. Given the nature and scale of the harm that I have found therefore, it seems clear to me that it would significantly and demonstrably outweigh the benefits.
19. The appellant has drawn my attention to a planning permission for two dwellings granted in 2010⁵ which was considered as infill development. As effectively a conversion scheme, the case before me is not sufficiently similar and thus my findings are unchanged.

Conclusion

20. The proposed development would be inappropriate development in the Green Belt; this would be harmful by definition. Further harm to the Green Belt would be caused by the net loss of openness as I have described it. I ascribe these harms substantial weight as per the Framework. No other considerations have been advanced to weigh against them and as such a case for very special circumstances has not been made in light of them.
21. The proposed development would unacceptably compromise the safe use of the highway which the lack of harm in respect of the character and appearance of the area and the living conditions of existing and future occupiers would not be sufficient to overcome. Whilst having regard to all other matters raised therefore, the appeal is dismissed.

John Morrison

INSPECTOR

⁵ Council reference CB/09/06661/FULL