
Appeal Decision

Site visit made on 4 July 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 26 July 2017

Appeal Ref: APP/C2741/D/17/3172097

Chelsea Cottage, York Road, Deighton, York, YO19 6EY

- 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 & Mrs Chapman against the decision of City of York Council.
 - The application Ref 16/01594/FUL, dated 4 July 2016, was refused by notice dated 13 October 2016.
 - The development proposed is described as part demolition and reconstruction to provide a more sustainable and energy efficient future of existing development.
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Decision

1. The appeal is dismissed.

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 any relevant local and national policies; the effect on the openness of the Green Belt; the effect on the character and appearance of Chelsea Cottage and the locality; and, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. Chelsea Cottage is a semi-detached house, the western side elevation of which is set back from the A19 beyond a small garden area. The cottage has a single-storey rear annexe, a short distance to the south of which is a detached garage building. The Council has indicated that the site falls within the general extent of the Green Belt, as defined by saved policies of the *Yorkshire and Humber Regional Spatial Strategy*, and this has not been disputed by the appellants.
 4. The proposal involves the removal of the annexe and garage and the addition of a two-storey extension, of limited depth, to the rear of the main building, with an adjoining L-shaped single-storey annexe.
 5. My attention has also been drawn to the *City of York Draft Local Plan Incorporating the 4th set of changes, 2005* (LP). Whilst I understand that it was approved for development control purposes in 2005, its progress towards
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adoption has not been made clear. Under the circumstances, the weight I give to relevant policies of the draft plan is dependent on the level of consistency of those policies with the *National Planning Policy Framework* (the Framework). LP Policy GB4 indicates that the extension or alteration of dwellings in the Green Belt will be permitted provided, amongst other things, the proposal is small scale compared to the original dwelling. The reasoned justification for the Policy indicates that the intention is to ensure that extensions or alterations do not result in disproportionate additions over and above the size of the original dwelling. In this respect the Policy is consistent with the Framework, which indicates extensions or alterations of a building that result in disproportionate additions over and above the size of the original building would amount to inappropriate development in the Green Belt, which should not be approved except in very special circumstances. Consequently, I give that provision of LP Policy GB4 significant weight.

6. The proposed annexe would extend beyond both the rear building line of the existing annexe and the southern building line of the garage. It would also be wider and taller than those structures. The Council has estimated that in comparison with the original footprint of the dwelling, including the annexe and garage, the proposal would be equivalent to an increase in footprint of over 80%. This has not been disputed by the appellants. Given this significant increase in footprint and that the proposed annexe would be taller than the existing annexe and garage, I consider that the proposal would result in disproportionate additions over and above the size of the original building. I conclude that, in this respect, the proposal would conflict with LP Policy GB4 and would amount to inappropriate development in the Green Belt under the terms of the Framework.

Openness

7. The Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. In this context, I consider that open can be taken to mean the absence of development. The proposed annexe would be taller than the existing garage and would extend beyond its southern building line, across an existing area of garden, by over 6 metres, according to the appellants' estimate. Whilst the visibility of the proposed extensions from the A19 would be generally restricted to glimpses, by mature planting along the frontage of the site, clearer views of large parts of it would be available through the gateways that interrupt the frontage planting. I conclude that the increased bulk of built development within the site would diminish the openness of the Green Belt, albeit to a limited extent.

Character and appearance

8. The proposed two-storey extension would follow the alignment of the main front wall of the house and its roofline. Nonetheless, as its frontage would be only around 2 metres wide, it would be a subservient addition to the main dwelling, as would the proposed annexe, due to its single-storey scale notwithstanding its length. Furthermore, I agree with the Council that the design and materials proposed would complement the traditional character of the cottage. In my judgement, the proposed scheme would not harm the character or appearance of Chelsea Cottage. In addition, under these circumstances and given the restricted visibility of the property from the A19,

it would preserve the character and appearance of the Escrick Conservation Area, of which the site forms part.

9. I conclude that the effect of the proposal on the character and appearance of Chelsea Cottage and the locality would be acceptable and in this respect it would not conflict with LP Policies GP1, GB4, H7 or HE3 or the Council's *Supplementary Planning Document-Draft House Extensions and Alterations*, which insofar as they require development proposals to take account of local character and safeguard the significance of designated heritage assets are consistent with the aims of the Framework. This matter does not weigh for or against the scheme.

Other considerations

10. The appellants have indicated that the Councils have approved development in the locality which is likely to have had a greater impact on the openness of the Green Belt than the proposal would. These include the replacement of buildings at the retail petrol station to the north of the site and residential development in the village of Escrick to the south. However, I do not know the full circumstances of those cases and it is not self-evident that they involved extensions to existing buildings to which particular policy provisions apply under the terms of the Framework. In the absence of any evidence to show that those other developments were directly comparable to the proposal before me, I give them little weight. In any event, each case must be considered primarily on its own merits.
11. I acknowledge the lack of formal objections to the proposal. However, the propensity of local residents to object to a scheme can be influenced by a number of factors and, in my view, a lack of formal objections cannot be automatically interpreted as a sign of support. Furthermore, although the appellants have indicated that the landlord of the adjoining property and some local people support the proposal, no documentary evidence has been provided to support that assertion and as a consequence I give it little weight.
12. I saw that, in the vicinity of the appeal site, the A19 is a busy road. However, I have not been provided with any compelling evidence to show that the associated levels of air pollution are likely to have an unacceptable impact on the living conditions of residents of Chelsea Cottage, either now or in the future, or that the proposed annexe would act as an effective barrier, resulting in reduced levels of air pollution in the rear garden of the house. I give this matter little weight.
13. The proposed annexe would enclose much of the western side of the rear garden of the cottage, thereby increasing the security of that space, where children play. However, to my mind, the same result could be achieved using fencing, which would be less likely to cause the levels of harm that I have identified above. Although the proposal would provide the appellants with additional family space, I have not been provided with any compelling evidence to show that the existing dwelling falls short of a reasonable standard in that regard. I give these benefits of the scheme only moderate weight.

Conclusions

14. The proposal would amount to inappropriate development, which the Framework indicates is, by definition, harmful to the Green Belt. In addition, it

would harm the openness of the Green Belt, albeit to a limited extent. The Framework confirms that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, '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. I conclude on balance that the harm to the Green Belt by reason of inappropriateness together with the harm to the openness of the Green Belt would not be clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist and the scheme would not amount to sustainable development under the terms of the Framework. In addition, in light of the identified conflict with LP Policy GB4, which I consider to be significant, the scheme would not accord with the LP taken as a whole.

15. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR