The Planning Inspectorate

Appeal Decision

Site visit made on 17 July 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 1 August 2017

Appeal Ref: APP/E2734/D/17/3174636
Rose Cottage, Tofts Lane, Follifoot HG3 1DY

- 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 Steve & Elspeth Smith against the decision of Harrogate Borough Council.
- The application Ref 17/00954/FUL, dated 1 March 2017, was refused by notice dated 27 April 2017.
- The development proposed is raising height of dormer bungalow to create full storey height first floor level with new roof over.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

(i) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.

(ii) The effect on the openness of the Green Belt and the purposes of including land within it.

(iii) 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 or not the proposal would amount to inappropriate development

3. The appeal site lies within the village of Follifoot which is "washed over" by the Green Belt. The proposal comprises raising the roof of the detached dormer bungalow by approximately 2 metres to create a full two storey dwelling with gable roof.

4. Section 9 of the National Planning Policy Framework (the Framework) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. Paragraph 89 of the Framework establishes that new buildings within the Green Belt are inappropriate, unless, amongst

other things, it involves the extension of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building. The Framework defines the original building as the building as it was on 1 July 1948.

5. The relevant development plans in this case includes the saved policies of the Harrogate District Local Plan (2001) (LP) and the Harrogate District Core Strategy DPD (2009) (CS). Policy SG4 of the CS relates to settlement growth and aims to protect the countryside and Green Belt from inappropriate development. Whilst Policy EQ2 of the CS relates to Green Belt, it provides no detailed guidance to extensions to houses in the Green Belt. Policy H15 of the LP concerns extensions to dwellings. The supporting text advises that in the countryside an extension of the ground floor area by more than 50% will not normally be permitted unless there is clear evidence of need for household occupation. However the text is not policy. Given the absence of local policy in relation to extensions within the Green Belt, for the purpose of this appeal, I have attached greater weight to the Framework, as it is current national policy.

6. The property has previously been extended by way of a single storey rear extension, the alteration from a hipped roof to a gabled, and the insertion of two dormer windows which were granted permission in 1990[1]. According to the Council the previous extensions resulted in an increase in the ground floor area of the original property by just over 50%. Whilst the proposal would not result in any further additions to the ground floor, the Council state that together with the previous extensions, the proposal would equate to more than a 100% increase in volume. Whilst the appellants do not dispute this figure, they assert that the proposals would only increase the floor area of the original bungalow by approximately 48% and therefore Green Belt policy would not be contravened.

7. The Framework does not define 'disproportionate' in terms of a specific numerical threshold. However, assessing proportionality is primarily an objective test based on size. The proposed increase in volume, taken together with the previous extensions would increase the overall height, mass and bulk of the dwelling. From the evidence before me, comparing the original dwelling to the one that would result if the proposal were to go ahead would in my view result in disproportionate additions over and above the size of the original building.

8. The proposal would therefore be inappropriate development which is by definition harmful to the Green Belt, contrary to the third bullet point of paragraph 89 of the Framework. I attach substantial weight to this harm.

The effect of the development on the openness of the Green Belt and the purposes of including land within it

9. The fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. In that the general bulk and volume would be increased by additional built development the appeal scheme would have a greater effect on the openness of the Green Belt which would conflict with the Framework. Having regard to the scale of the proposals and its location surrounded by residential development, I conclude that the loss of openness would be limited.

[1] Planning application ref: 90/03229/FUL

10. The appeal scheme would be contained within the existing residential plot and would not lead to any substantial encroachment on the countryside. Accordingly, it is concluded that the proposed development would not conflict with this purpose of the Green Belt as identified in the Framework. However, this does not override the limited harm that it would cause to openness.

Other Considerations

11. I note that the Council has not raised any concerns in relation to the impact on character and appearance of the area. The proposed extension would relate well to the existing property both in design and materials. I agree that ample space would be retained around the property and that it would not appear overbearing or out of keeping in the street scene. In this regard, despite the concerns raised above in relation to whether the extensions would be disproportionate, which is a specific Green Belt test, I find that the proposal would not have a harmful effect on the character and appearance of the host property or the surrounding area.

12. Whilst I have not identified harm in respect of character and appearance, nor do I find that the proposals would lead to a particular enhancement. I do not agree that existing pitched roofs on the rear of the property are incongruous and the dwelling as existing does not detract from the street scene. I therefore regard the lack of harm in this respect as a neutral factor which doesn't weigh significantly for or against the appeal.

13. The appellants have drawn my attention to a number of similar extensions which have been allowed by the Council in the immediate vicinity of the appeal site. The permissions granted at Overdale and Summerfield, were determined prior to the adoption of the CS and the publication of the Framework and I therefore give them little weight in this regard.

14. I note that the application at Meadowsweet was determined in 2013, that the proposals were very similar to those before me and that the Council took a different approach in its consideration because the site was within the village. However, I am of the opinion that the Council took the correct approach in the current application rather than that at Meadowsweet. The village is washed over by the Green Belt and it follows that any application should be assessed against Green Belt policies. Whether or not a site is within a village does not form part of the test as to whether an extension results in disproportionate additions constituting inappropriate development. In light of this, I do not consider that the permission at Meadowsweet should justify the harm to the Green Belt by reason of inappropriateness or the limited loss of openness that would arise from this proposal and I attach limited weight to this matter as a result.

15. The appellants state that the modification of the roof over the rear extension would address a long standing maintenance problem as a result of damp. Even if this were the case, I am not persuaded that the proposed extension would be the only option available to address such problems and I give this matter little weight.

16. The letters of support received carry limited weight in favour of the proposal. The lack of harm in relation to highway safety is a neutral factor neither weighing for nor against the proposal.

Conclusion

17. The Framework indicates that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition, any harm to the Green Belt carries considerable weight and 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. In this case, I have found harm from inappropriateness as well as a limited loss of openness to the Green Belt.

18. I have given only limited weight to the other considerations above. However, the substantial weight to be given to Green Belt harm is not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate the very special circumstances that are necessary to justify inappropriate development in the Green Belt.

19. For the above reasons and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR