



Appeal Decision

Site visit made on 23 October 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 9th November 2017

Appeal Ref: APP/X4725/D/17/3180860

Willow Cottage, 770 Doncaster Road, Foulby, Wakefield WF4 1PY

- 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 Dr Timothy Thomas against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 17/00935/FUL, dated 31 March 2017, was refused by notice dated 19 June 2017.
 - The development proposed is a conservatory to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There was no description of development on the application form and I have therefore used the description used by the Council in their decision notice in the heading above. The appellant's Appeal Form contains fuller particulars of the appellant and site address than the application form and I have used these more comprehensive details in the heading above.
3. The National Planning Policy Framework (the Framework) explains that great importance is attached to Green Belts whose essential characteristics are their openness and their permanence. The Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate, albeit with some exceptions, and that this is harmful to the Green Belt and should not be approved except in very special circumstances.

Main Issues

4. The site is within the Green Belt and therefore the main issues raised by this appeal are:
 - i) Whether the development would be inappropriate development for the purposes of the development plan and the Framework;
 - ii) the development's effect on the openness of the Green Belt;
 - iii) the development's effect on the character of the area, and;
 - iv) if it is inappropriate development, whether 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

5. The Framework provides for a number of exceptions where new buildings in the Green Belt would not be considered as inappropriate. These include 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. Although pre-dating the Framework, the requirement of Development Policies Document¹ (DPD) Policy D23, that extensions in the Green Belt are not disproportionate over and above the size of existing buildings when originally constructed, is consistent with the Framework's approach in this respect.
6. The proposed conservatory would be an extension to the rear of a two storey, detached house which has a small cage arrangement in place on the building in the location of the proposal. This cage is smaller than the proposed extension and does not appear as a substantial building. The conservatory would be single storey, 12m² (according to the appellant's figure) and occupy slightly less than the width of the existing rear elevation of the house. However, both national and local policy are framed in terms of the effect of extensions in respect of the original building rather than its existing configuration.
7. The appellant advises that the original house was built in the C19 and has subsequently been extended in the 1960's and in 1993. These extensions increased the footprint of the house by 50% and a further 100% respectively, leading to a total of 200% added to the original footprint, according to the appellants calculations. The Council consider that the proposed conservatory would add a further 18% to the original footprint and, although their total figure differs slightly with the appellants, it is not a matter of dispute between the main parties that the original building has been considerably extended.
8. Therefore, whilst the conservatory is relatively modest in dimensions in itself compared to the current building, it is necessary to compare the original building and the proposal together with existing extensions to the original building. Considered along with those other extensions it would contribute to a large and disproportionate increase in the size of the original building. Notwithstanding that the appellant points to the previous, and considerably larger, 1993 extension having been considered acceptable at that time in light of its Green Belt location, that does not alter the current situation in respect of comparison of the cumulative effect with the original building. As such the proposal would be inappropriate development within the Green Belt in the terms of the development plan and the Framework.

Openness

9. The site is surrounded on three sides by agricultural land which has considerable openness. The rear garden into which the conservatory would extend contains a large outbuilding and is enclosed by fences, hedges and trees. It appears more enclosed as a result. This relatively enclosed situation means that the visual impact of the conservatory, which can be a component of openness, would be limited. Nevertheless the general absence of buildings in the vicinity means that the extension would still reduce the spatial aspect of openness which is not necessarily dependent on visibility, albeit by a limited

¹ Wakefield Metropolitan District Council – Local Development Framework; Development Policies Document, 2009.

degree but which would result in moderate harm to the openness of the Green Belt.

Character

10. The conservatory would have a neutral effect on the character and appearance of the host property and, due to its discreet and well screened garden location some distance from Doncaster Road, would not be prominent. Consequently it would not harm the character and appearance of the area. There would be no conflict with the design requirements of DPD Policy D9 in this regard. However, this effect on character and appearance is distinct from its effect on Green Belt openness.

Other considerations

11. The appellant considers that he could construct a similar extension elsewhere on the original building or a much larger detached building without planning permission with consequent greater effect on the Green Belt. However, even if the appellant is correct in his assessment of the permitted development position, in the absence of any details of such proposals I cannot evaluate their effects in comparison to the appeal proposal and there is no evidence that there is any greater than a theoretical possibility that such developments might take place or that they would be a realistic alternative to the appeal development. I can only attach very limited weight to these suggestions.
12. The avoidance of harm to character and appearance is a neutral consideration and does not weigh in favour of the proposal. Whilst I have found that the proposal would have a moderately harmful effect on openness, the Framework nevertheless indicates that inappropriate development is, by definition, harmful to the Green Belt. The Framework requires that substantial weight is given to any harm. I have found that the other considerations in this case do not clearly outweigh the harm that I have identified by reason of inappropriateness and openness. Therefore, the very special circumstances necessary to justify the development do not exist.
13. The proposal would consequently be contrary to DPD Policy D23.

Conclusion

14. For the reasons set out above the proposal would be inappropriate development and would harm the Green Belt contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR