
Appeal Decision

Site visit made on 1 November 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 09 November 2017

Appeal Ref: APP/C3105/D/17/3180987

Bluebell Cottage, 22 Springhill Road, Begbroke, Oxon OX5 1RX

- 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 Brian West against the decision of Cherwell District Council.
 - The application Ref 17/00569/F, dated 6 March 2017, was refused by notice dated 22 May 2017.
 - The development proposed is two storey side extension to dwelling or first floor side extension over approved ground floor extension (16/02145/F).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the fourth bullet point of the above header is taken from the original planning application form. However, I saw that the approved ground floor extension referred to had not been built such that there is no development upon which to extend over. The element of the description relating to a two storey side extension is therefore applicable and I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - (i) whether or not the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - (ii) the effect of the proposed development on the openness of the Green Belt;
 - (iii) whether any harm to the Green Belt by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not inappropriate development in the Green Belt

4. The site is located within the Green Belt. Policy ESD14 of the Cherwell Local Plan (the Local Plan) sets out, amongst other things, that development

proposals within the Green Belt will be assessed in accordance with government guidance contained in the Framework and the Government's Planning Practice Guidance. Paragraphs 89-90 of the Framework set out the categories of development which may be regarded as not inappropriate, subject to certain conditions. The relevant category in this case, to which I have had regard, relates to 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.

5. It is not disputed by the parties that the proposed development would contribute towards the dwelling being increased in floor area, over and above that of the original house, by over 50%. I have no reason to consider otherwise based on the submitted evidence and my observations. Furthermore, the Council highlights that the cumulative increase, including the proposed extension and previous ones built since 1948, would actually amount to a 139% increase and I have received no substantive evidence to suggest otherwise. That in turn translates to a substantial increase in volume and external dimensions that would clearly result in disproportionate additions over and above the size of the original building.
6. The appellant refers to the proposal not being disproportionate in respect of the additional visual impact of the first floor element compared to that of the previously approved single storey side extension. However, in respect of this issue, the Framework, in paragraph 89, makes no provision for the visual appearance of the building concerned, but instead relates solely to making a comparison with the size of the original building.
7. For the above reasons, I conclude on this issue that, for the purposes of the Framework, the proposed development must be regarded as inappropriate development in the Green Belt which would by definition be harmful to the Green Belt, to which substantial weight should be given, and contrary to policy ESD14 of the Local Plan.

Openness of the Green Belt

8. Openness, as highlighted in the Framework, is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area.
9. The existing house is one of a pair of semi-detached dwellings with a significant gap between its side elevation and that of the neighbouring dwelling to the east. Although there is a detached garage, that is set well back from the front of the site. There are open fields on the opposite side of the road. These factors currently contribute to the openness of the Green Belt in this location.
10. The proposal would introduce a significant two storey extension into that existing gap to the side of No 22. As such, it would materially impinge on that current openness, and would be clearly seen when viewed from the road. Even taking account of there being an extant planning permission for a ground floor side extension, the addition of a second floor would result in a material increase in height that would also impinge on that openness.
11. I acknowledge that the adjoining semi-detached house has a similar two storey side extension. However, I do not have the full details of the circumstances of that case in respect of any considerations relating to the same main issues as

for this appeal, to enable a proper comparison. I have in any case determined this appeal on its own merits in respect of this issue.

12. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the openness of the Green Belt.

Other considerations

13. I have had regard to whether there is a fall-back position with regard to permitted development rights. A similar two storey side extension to that proposed could not be built as permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015. I acknowledge that planning permission was granted for the single storey side extension referred to in the description of development. However, that was under circumstances whereby a similar extension could have been built as permitted development. I therefore afford little weight to the factor of permitted development rights in terms of any potential fall-back position in this case.
14. The appellant refers to a number of other cases in the District where planning permission has been granted for development in the Green Belt, including extensions that would result in the floor space of the original dwelling being increased by over 50 per cent. However, I have not received the full details of those cases to enable a proper comparison in terms of the main issues relating to this appeal. In any case, of those where a percentage increase is referred to by the appellant, none of those percentages are as large as would be the case with the appeal proposal. Nevertheless, I have determined this appeal on its own merits.
15. The appellant also draws my attention to another appeal decision, Ref APP/Y3615/D/13/2193438, for an extension at a property in Guildford which refers to other factors relating to assessing whether an extension represents a disproportionate increase. However, I do not have the full details of that case either to enable proper comparison. Furthermore, it relates to a different Local Planning Authority where its development plan policies and approach to assessing this issue would not necessarily be directly comparable. I have therefore afforded little weight to that other decision.
16. I have had regard to the visual balance that the proposal would bring to the pair of semi-detached houses in light of the similar extension to the side of No 24. Whilst that would be the case, that extension to No 24 has been designed to maintain the lines of the main original front elevation of the house and semi-pair generally. I therefore afford little weight to that small benefit of creating a symmetrical pair of houses.

Conclusion

17. I have found that the proposed development would cause unacceptable harm to the Green Belt by reason of inappropriateness and loss of openness, to which substantial weight should be given. Furthermore, I have not found there to be any other considerations with sufficient weight to outweigh that harm. The very special circumstances needed to justify the proposed development do not therefore arise.

18. I therefore conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR