

Appeal Decision

Site visit made on 8 November 2017

By Lynne Evans BA MA MRTPI MRICS

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

Decision date: 29 November 2017

Appeal Ref: APP/C3105/D/17/3179995

Corner Flag, Main Street, Murcott, Kidlington OX5 2RE

- 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 Robert Price against the decision of Cherwell District Council.
 - The application Ref: 17/00514/F dated 6 March 2017, was refused by notice dated 28 April 2017.
 - The development proposed is single storey front extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) 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;
 - b) Its effect on the openness of the Green Belt,
 - c) Other considerations; and
 - d) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Issue a) Whether inappropriate development

3. The appeal property is a detached dormer bungalow within the small settlement of Murcott. The property is set back from the main street running through Murcott and accessed by a narrow road which also serves a small number of adjoining properties. The property sits towards the rear of its plot with its main garden area to the front of the dwelling. I understand that the property has been previously extended and also benefits from a detached garage. The property lies within the Oxford Green Belt.

4. The National Planning Policy Framework (Framework) sets out the government's planning policies to secure sustainable development. One of its core planning principles at Paragraph 17, as amplified later in the Framework, includes *protecting the Green Belts*. Paragraph 87 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 89 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions including the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define further the term 'disproportionate'.
5. The Council has also referred to Policy ESD14 of the adopted Cherwell Local Plan 2011 – 2031 Part 1 (Local Plan) in its reason for refusal. Policy ESD14 sets out that the Council will assess development proposals in the Oxford Green Belt in accordance with government guidance as set out in the Framework and NPPG (National Planning Practice Guidance).
6. The Council has calculated that the proposed increase, taken together with the extension already permitted and built would result in a 106% increase over and above the size of the original property. Although there is no detailed evidence before me, the Appellant has not sought to suggest any alternative figures and I have no reason to take a different view from the assessment provided by the Council. The Council, in its officer's report, has stated that 'disproportionate' is generally considered to be a 50% increase, although in some circumstances a smaller increase may also be held to be disproportionate. However, it is not clear to me the basis of this assertion; it is not based in policy either in the Framework or development plan policy.
7. I do not consider that a mathematical calculation, although part of an overall assessment is, on its own, conclusive. However, given the dimensions of the proposed extension, it would in my view considerably extend the overall footprint of the building, both in terms of its overall depth and to a lesser extent its width. When taken together with the extension already permitted and constructed, I consider that there would be a significant increase in the overall footprint, bulk and massing of the building, compared with the original building.
8. Taking all these matters together, I have no doubt that the proposed extension would be a disproportionate addition over and above the size of the original dwelling and so would be inappropriate development for the purposes of the Framework as well as Policy ESD14 of the Local Plan.

Issue b) Openness

9. Inappropriate development is, by definition, harmful to the Green Belt, as set out within the Framework, and in accordance with that guidance, I therefore attach substantial weight to this harm. I have also considered whether there is any other harm.
10. The addition of further built development on the site, with the consequent increase in the overall footprint, bulk and massing of the property, would inevitably lead to some reduction in openness, which is the essential attribute of the Green Belt. This harm to openness would therefore add to the harm I have already concluded.

Issue c) Other Considerations

11. The Framework indicates at paragraph 88 that substantial weight should be attached to any harm to the Green Belt. Very special circumstances to justify such development 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 now turn to the other considerations in support of the development which have been put forward.
12. I agree with the Appellant that the proposed development, would be well designed and relate to the character and appearance of the existing building. Given the siting within the plot and the varied pattern of individual dwellings in the vicinity, it would also respect the diverse pattern of development in the local area. In addition, there would be no harm to the living conditions of the adjoining neighbours and no highway issues would be raised. There would be no conflict with the relevant development plan policies in these regards including Policy ESD15 of the Local Plan and Policies CD28 and C30 of the Cherwell Local Plan 1996. The Council has also raised no issues on these matters. However, this absence of harm on each and all of these issues taken together, does not, in my view, result in weight in favour of the proposal.
13. The Appellant has drawn my attention to a permission granted on a property in the vicinity, which would appear to have been for a substantial extension. Although limited information is available to me on that permission, I have nonetheless taken it into account in my consideration. However, each application must be judged on its individual merits and in the particular circumstances of each case. The existence of a permission which appears to show a large extension being permitted cannot be regarded as setting a precedent for this proposal. I therefore attach little weight to this argument.

Issue d) Balancing of Considerations and whether very special circumstances exist.

14. I have already found that substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposed development. The harm from loss of openness adds to the harm by reason of inappropriateness. The totality of the harm I have concluded is not clearly outweighed by the other considerations. I do not find that the very special circumstances required to justify the proposed development exist.

Conclusion

15. For the reasons given above and having regard to all other matters raised including the representations received, I conclude that the appeal should fail.

L J Evans

INSPECTOR