

Appeal Decision

Site visit made on 13 November 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 01 December 2017

Appeal Ref: APP/P0119/D/17/3181980

145 Park Lane, Frampton Cotterell, BS36 2ES

- 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 M & L Flanders against the decision of South Gloucestershire Council.
 - The application Ref PT17/2387/F, dated 17 May 2017, was refused by notice dated 12 July 2017.
 - The development proposed is the erection of a two-storey extension to side of property.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the date of the decision the Council adopted the South Gloucestershire Local Plan: Policies, Sites and Places Plan (PSP Plan) in November 2017. The Council has confirmed that Policy H4 of the South Gloucestershire Local Plan, adopted in 2006, has been superseded by PSP Plan Policy PSP38 – *Development within Existing Residential Curtilages, Including Extensions and New Dwellings*. The Council has also pointed out that PSP Plan Policy PSP7 – *Development in the Green Belt* is also now relevant, as may be PSP Plan Policy PSP8 – *Residential Amenity*.
3. In the interest of fairness, the appellants were given the opportunity to comment upon the newly adopted PSP Plan and the policies identified by the Council as being of relevance.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of 145 Park Lane and the wider area; and
- If it is inappropriate development, whether the 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 the proposal would be inappropriate development in the Green Belt

5. Although located within a settlement, the appeal site lies within the Green Belt. The Framework explicitly states that inappropriate development is, by definition, harmful to the Green Belt. However, the extension of an existing building is not inappropriate if it does not result in disproportionate additions over and above the size of the original building. Policy CS5 – *Location of Development* of the South Gloucestershire Local Plan: Core Strategy 2006 – 2027 (CS), adopted in December 2013, states that other than for small scale infill development or development brought forward through a Community Right to Build Order, neither of which applies in this instance, proposals for development in the Green Belt will need to comply with the provisions in the Framework or relevant local plan policies in the CS.
6. Recently adopted Policy PSP7 continues the approach of national policy in that it states inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm. In dealing specifically with proportionate additions to a building it states that additions exceeding a 30% volume increase over and above the size of the original building will be carefully assessed, with particular regard to whether the proposal would appear out of scale and proportion to the existing building. It goes on to state that the larger a building becomes in excess of 30% over and above its original size, the less likely it is that a new extension will be considered proportionate. Over a figure of 50% the policy states that additions would most likely be considered disproportionate.
7. There is no dispute between the parties that the appeal proposal would represent a 48% increase in volume over and above the original size of the building, being that which existed on 1 July 1948. At this size the extension falls only just below the 50% threshold beyond which Policy PSP7 considers an extension would be most likely to be disproportionate. In these circumstances particular attention must be paid as to whether the proposal would be out of scale and proportion to the existing building.
8. Both the Council and the appellants have referred to the Council's *Development in the Green Belt - Supplementary Planning Document* (SPD). This was adopted in 2007 and pre-dates both the Framework and the PSP Plan. Regardless, when dealing with additions to existing dwellings, the 'disproportionate test' within the SPD is separate to a further consideration that

is also given within the SPD; that is whether the size and design of the extension complements the existing character of the property and original building. For development in the Green Belt these two issues are entirely separate; the tests given by both the Framework and the PSP Plan relevant to the first main issue relate to matters of size, scale and mass rather than aesthetics.

9. The appellants have argued that because the extension would have a flat roof it would ensure subservience to the host dwelling thereby helping to make it proportionate. I disagree. This merely shows that its maximum height would be lower than the ridge height of the existing dwelling. Subservience to my mind is about much more, and relates in part as to how an extension would compete with the scale and proportions of the original building. The extension would be two-storey and would project a wing to the side by a distance of 8.6m, measuring well over half the width of the dwelling's front elevation, and with a depth more or less equivalent to the depth of the original building. Furthermore, although its physical link with the existing dwelling would be recessed, the extension would be built on a cranked building line such that it would turn to project forward of the main house. Although well-articulated and detailed, it would add a significant amount of bulk and mass to the side of the original building that would be clearly evident when seen not only from the public domain along Park Lane, despite the property's fairly deep front garden, but also in the outlook from No 3 Harris Barton immediately to the rear at.
10. The proposed volumetric increase in size indicates that the extension would be large in relation to the measure of addition that could be more readily accepted by Policy PSP7. In those circumstances the Policy raises the bar high when assessing if an extension would be disproportionate or not. By reason of its height, width, and overall bulk, the form and proportions of the original dwelling would be significantly altered and enlarged. The extension would be perceived to noticeably compete with the size and form of the original dwelling. When considered along with the percentage increase in volume, I find the proposal to be a disproportionate addition over and above the size of the original building. It would therefore amount to inappropriate development in the Green Belt for the purpose of development plan policy and the Framework. Rather than needing any harm to be demonstrable, paragraph 87 of the Framework states that inappropriate development is harmful to the Green Belt 'by definition' and I attach substantial weight to this harm.

The effect of the proposal on the openness of the Green Belt

11. The Framework and the PSP Plan both state that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open. The proposal would lead to an encroachment of built form into garden land that is currently open to the side of the appeal property. As such, there would be some loss of openness to the Green Belt, regardless of the surrounding built form. This must be regarded as some additional harm to add to the harms by reason of inappropriateness and the conflict with development plan policy.

The effect of the proposal on the character and appearance of 145 Park Lane and the wider area

12. The Council has advised that the appeal property is a locally listed building standing as a reminder of the area's historic development and as an example of the local vernacular. Nevertheless, it now stands within the developed context of the settlement where the rural character of the original dwelling's setting has unquestionably been lost. Its significance as a heritage asset therefore rests largely with its simple and identifiable form, which is a reminder of its historic origins.
13. The extension would be unashamedly modern. For reasons I have amplified above in relation to the first main issue it would be seen as a large and prominent addition. I appreciate that the appellants have deliberately sought to avoid simply mimicking the style and appearance of the original building. However, the gap between the main bulk of the extension and the existing building would provide only marginal separation and I am not persuaded that the recessed link would avoid the addition from appearing as an obvious and visually dominant extension to the house. Furthermore, given its contemporary form, the extent of its sideways projection, and its projection forward of the existing building line, I cannot accept that it would represent any kind of balance to the appearance of the dwelling, as has been suggested by the appellant.
14. In my view the extension would appear 'bolted-on' to the side of No 145 as an individual piece of architecture without any sense of rhythm. Only the use of matching stone in part would in any way reflect the character of No 145. The harmony derived from the simple architectural form of the existing building would be significantly diminished. Added to the sharply contrasting architectural style and detailing would be the extensive use of glazing which would have a strong vertical emphasis and nothing in common with the proportions, shapes or alignments of the window openings on the original dwelling.
15. I recognise that the Framework states that planning policies should not attempt to impose architectural styles. I also accept that 'quirky' architecture has its place and can reflect contemporary design in the natural evolution of an area. However, the Framework also seeks to promote or reinforce local distinctiveness and Policy PSP38 expressly requires house extensions to respect building lines, form, scale, proportions, window and door shapes and reveals, alignment of openings, architectural style/detailing and external materials. This policy would not expressly prevent interesting or unique architecture from flourishing; it does however specifically seek to ensure that extensions are appropriate to their context.
16. Overall and notwithstanding the views expressed by the Council's Conservation Officer, which I have noted, for the reasons given above I find that due to its size and appearance the proposal, as an extension to No 145, would directly conflict with part 1) to Policy PSP38 and would be harmful to the character and appearance of the existing dwelling. This would detract from its significance as a heritage asset and would be harmful to the wider area by appearing as a

discordant extension within the street scene. As such it would also conflict with CS Policy CS1 – *High Quality Design* and a core planning principle of the Framework.

Other Matters

17. I have noted some concern expressed by the occupiers of No 3 Harris Barton. This property is immediately to the rear of No 145 and has a fairly shallow back garden from where the extension would be clearly seen, including in the outlook from within No 3. The visual impact of the proposal upon the wider area has been addressed above.
18. Due to the orientation of the extension and its relationship with the garden to No 3, there would be likely to be some overshadowing of the neighbours' garden during the first half of the day. However, a considerable proportion of the garden to No 3, despite its limited depth, would be unaffected and overall, I am satisfied that any impact would not be so significant that it would harm the living conditions of these adjoining occupiers. I note also that the Council raised no concern in this regard.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

19. I have found the proposal to be inappropriate development in the Green Belt for the reasons identified. This is harmful by definition and amounts to very substantial weight against it. In addition, I have also found that it would prejudice the openness of the Green Belt, albeit if only to a small degree. Added to this is the harm that I have identified to the character and appearance of No 145 and the wider area. In these circumstances there is clear conflict with the Framework and the development plan. The proposal would therefore not amount to a form of sustainable development for which there is a presumption in favour.
20. The appellants have referred to other properties nearby where it is claimed that they have extended by more than 50%. However, I have no specific details of any examples and they do not alter my findings as they relate to the specific merits of this case. Overall, in the absence of any other considerations that would clearly outweigh the harms that I have identified I conclude that the very special circumstances necessary to justify the development do not exist. The appeal is therefore dismissed.

John D Allan

INSPECTOR