



Appeal Decision

Site visit made on 14 November 2017

by Katie McDonald MSc MRTPI

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

Decision date: 4 December 2017

Appeal Ref: APP/Y3425/D/17/3181062

Millstone, 8 Moreton Avenue, Clayton, Newcastle under Lyme ST5 4DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Knight against the decision of Stafford Borough Council.
 - The application Ref 17/25981/HOU, dated 17 March 2017, was refused by notice dated 30 May 2017.
 - The development proposed is a tiled roof conservatory.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt. Accordingly, the main issues are:
 - i) Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - ii) The effect of the development upon the openness of the Green Belt; and,
 - iii) If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to 'very special circumstances' necessary to justify the development.

Reasons

Whether the proposal is inappropriate development within the Green Belt

3. The proposal is for a tiled roof conservatory to the rear of the detached dwelling set within a row of other dwellings. The Framework details that the construction of new buildings are inappropriate in Green Belt, an exception to this being 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. Policy E2 of The Plan for Stafford Borough 2011 – 2031 (June 2014) (The Plan) sets out that development will be controlled in accordance with national guidance.
4. Policy C5 of The Plan details that in areas outside settlements, the extension or alteration of an existing building should not result in additions of more than 70% to the dwelling as originally built. Whilst this relates to all proposals outside settlements, this would include sites within the Green Belt and I find that its intentions are relevant to this appeal in terms of disproportionality.
5. The original dwelling has been previously extended, and based on the Council's undisputed measurements, this proposal would cumulatively result in around an

89% increase in floor space. Assessing proportionality is a matter of judgement, but is also a relatively objective test based on size, both floor space and volume. When comparing the original building to the one that would result from the proposal, the cumulative additions would be disproportionate. Thus the proposal is inappropriate development within the Green Belt.

6. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

7. The Framework states that an essential characteristic of Green Belts is their openness. The proposal would have around 30 square metres of floor space and due to the difference in levels at the rear of the site would be a tall structure. Whilst it would not protrude further than neighbouring extensions to the rear, it would add to the cumulative bulk of the building and as a result reduce openness.

Other considerations

8. The appellant suggests that the proposal will not protrude past developments at the neighbouring dwellings. It would also be constructed in materials to match the host dwelling. These are elements of the scheme that, in isolation, contribute to its acceptable visual appearance. However, these are not matters that weigh either for or against the development; and I consider them to be a neutral factor in the overall planning balance.
9. I have been referred to the green tarmac tennis court at a neighbouring dwelling, which the appellant claims is more intrusive than the proposal. I have very little information regarding the circumstances that led to this proposal being acceptable. Furthermore, it is a very different development to that before me and as I am required to assess each proposal upon its own merits, this attracts very little weight.
10. I acknowledge that the appellant wishes to build the proposal in order to accommodate visiting family. This would be a benefit to the appellant and I attach it moderate weight.

Conclusion and the Green Belt Balance

11. Having considered all matters raised in support of the proposal, they collectively do not clearly outweigh the totality of harm arising from inappropriateness and the harm to the openness of the Green Belt, which attract substantial weight against the development.
12. Consequently, very special circumstances do not exist and the proposal is contrary to Policy C5 of The Plan and the guidance in the Framework.
13. I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR