



Appeal Decision

Site visit made on 30 July 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/E2734/D/19/3230295

Southcote, 10 Grosvenor Gardens, Huby, LS17 0ED

- 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 David Wallis against the decision of Harrogate Borough Council.
 - The application Ref 19/00798/FUL, dated 22 February 2019, was refused by notice dated 19 April 2019.
 - The development proposed is described as 'lifting the ridge line to create first floor accommodation inc. dormer windows to the rear. Front porch and rear extensions. First floor side extension and pitched roof over existing flat roofed extension to the rear.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case 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 the area; and,
 - If the development would be inappropriate, whether the harm 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 the proposal.

Reasons

Whether inappropriate development

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of an extension or alteration to a building, provided that it does not result in a disproportionate addition over and above the size of the original building.

4. A definition of 'disproportionate' is not specified in the Framework. However, the subtext to Saved Policy H15 of the Harrogate District Local Plan 2001 (the Local Plan) and the Harrogate House Extension and Garages Design Guide Supplementary Planning Document 2005 (the SPD) indicates that an extension to the ground floor area by more than 50% will not normally be permitted in the Green Belt, although no reference is made to a 'volume' figure against which proposals should be assessed.
5. In this regard, whilst floorspace and/or volume calculations can be used to determine whether or not a proposal would be a disproportionate addition, it is also important to consider the visual increase in the size of the original building, taking into account the nature of the site and the precise nature of the proposal.
6. The appeal dwelling comprises a detached bungalow. The proposal would comprise an increase in the height of the existing roof, the provision of two rear facing dormers, 2 no. two-storey extensions, along with other alterations. The evidence before me indicates that the appeal dwelling has been extended in the past¹ and the Council claim that, in combination with the proposal, the footprint of the building would be increased significantly more than 50%, with the increase in the volume, in combination with the existing extensions, being 95% over and above the original dwelling. According to the Council, the proposal in isolation would increase the volume of the current dwelling by 37%. These figures are not contested by the appellant.
7. Even though the footprint of the dwelling has been increased significantly in the past, the additional increase in its footprint as a result of the proposal would be relatively small. However, the proposed increase in the height of the roof and the rear dormer extensions, along with the full height glazed rear projecting extension, and an increase in the height of existing extensions, would add considerably to the height and bulk of the existing dwelling.
8. Accordingly, and taking into account the evidence before me, compared to what I consider would have been the size of the original building, the size of the proposal, in combination with the significant amount of existing extensions and alterations that have taken place, would constitute a disproportionate addition to the original building.
9. For the foregoing reasons the proposal would comprise inappropriate development in the Green Belt that would, by definition, be harmful to the Green Belt. It would fail to meet the exceptions set out in paragraph 145 of the Framework. Consequently, there would also be conflict with Policy H15 of the Local Plan and Policies EQ2 and SG3 of the Harrogate Local Development Framework Core Strategy 2009 (the Core Strategy) which seek to protect and control development in the Green Belt.

Openness

10. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence.
11. The proposed extensions would increase the height and add significantly to the bulk of the building to the front, and even more so to the rear. The proposal

¹ Harrogate Borough Council planning permission reference no's – 79/10833/FUL and 00/02925/FUL

would reduce the openness around the appeal dwelling, particularly at first floor level. This would be particularly apparent when viewing the appeal property from the street. The presence of the existing dwelling and other larger dwellings on the street would reduce the extent to which the openness would be diminished. Nevertheless, the effect of the proposal would be to reduce the openness of the Green Belt, albeit to a moderate degree.

Character and appearance

12. The existing bungalow is seen in the context of a street which is predominantly fronted by two-storey properties. Whilst the proposal would change its character to a chalet-style dwelling, and the alterations would significantly increase its overall bulk, it would not appear out of scale or character with the other, larger properties in the area.
13. The extensions to the rear, which would include dormers, would be more extensive. However, on my site visit I viewed the site from several locations within the countryside generally to the south, and even though there would be mid and long-distance views of the rear and side of the extended dwelling, its position at the end of a cul-de-sac means it would be largely visible against the backdrop of other dwellings in the street. The proposal would have a minimal effect on the street-scene or the character and appearance of the wider area.
14. I conclude that the proposal would not be harmful to the character and appearance of the area. In this respect the proposal would comply with Policies H15 and HD20 of the Local Plan, and Policies EQ2 and SG3 of the Core Strategy. However, the lack of harm in this respect is not a positive factor weighing in favour of the scheme.

Other considerations

15. The appellant has put to me that there is a fallback position involving the erection of a rear extension under permitted development rights². The appeal has been accompanied by ground floor plans showing the permitted development rear extension. It is not for me, under a Section 78 appeal, to determine whether a potential alternative would be permitted development. Even if I was to accept that the fallback position would be permitted development, there is no evidence before me to indicate that there is a greater than theoretical possibility of a like extension being built. In any event, I do not accept that just because the fallback extension would project to the rear of the appeal dwelling, that it would be any more harmful than the current appeal scheme. The fallback position therefore carries limited weight in favour of the appeal.
16. The proposal includes 'eco' friendly measures which would include air source heat pumps. I do not know the extent to which they would reduce the carbon footprint of the dwelling and they attract only limited weight in favour of the scheme.
17. Reference has been made to a replacement dwelling in the Green Belt elsewhere in the Borough which, it is put to me, is in a far more prominent position than the appeal dwelling. I am not aware of the full circumstances of the case or any considerations that were taken into account by the Council in reaching its decision. There is nothing before me to suggest that the

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

referenced scheme closely resembles the appeal proposal, so it attracts no significant weight in favour.

18. I have also been referred to other appeal decisions which were allowed due to the limited harm caused by the siting and design of the respective proposals. However, I do not have the full circumstances of each case before me in order to make meaningful comparisons. In any case, I find the current proposal would be a form of inappropriate development in the Green Belt, and, unlike examples I have been referred to, harmful to its openness for the reasons given.

Conclusion

19. The proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework, substantial weight should be attributed to any harm to the Green Belt. In addition, I have found a moderate loss to the openness of the Green Belt, which would be harmful. Whilst I have found no harm to the character and appearance of the area, this only attracts neutral weight.
20. There are no other considerations that clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist, in conflict with the Framework in respect of Green Belt national policy and Policies H15 of the Local Plan and Policies EQ2 and SG3 of the Core Strategy.
21. Accordingly, I conclude that the appeal is dismissed.

Matthew Woodward

INSPECTOR