



Appeal Decision

Site visit made on 19 August 2019 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/B3030/D/19/3228311

The Willows, Cottage Pasture Lane, Gunthorpe NG14 7EQ

- 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 and Mrs Wilson against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00396/FUL, dated 26 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is first floor extension over existing orangery and internal alterations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way 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 for the Recommendation

Whether inappropriate development in the Green Belt

4. The Willows is a detached, two storey dwelling located within a cul-de-sac, in a predominantly residential area. The property has a private drive to the front, a car port and attached garage to side, and a garden to the side/rear. The site lies within the Nottinghamshire Green Belt and the rear of the appeal property adjoins the open countryside.
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5. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 145 and 146 of the Framework set out the forms of development that are not considered inappropriate within the Green Belt. These include the extension or alteration of a building provided that it does not result in disproportionate addition over and above the size of the original building.
6. What constitutes a disproportionate addition is not defined within the Framework nor within Policy 4B (Green Belt Development) of the Newark and Sherwood Amended Core Strategy (2019). An assessment of whether the proposed extensions would be 'disproportionate' in the context of paragraph 145 is therefore a matter of planning judgement. The Council suggests that as a rule of thumb extensions of between 30-50% of the original dwelling would not be considered disproportionate. The appellant advises that other Councils consider extensions even bigger than this are not disproportionate although there is no evidence before me to that effect.
7. Both the Council and the appellant agree that the proposed first floor rear extension, when taken cumulatively with previous additions, would increase the floor space of the original dwelling by 56.5% and the footprint by 65.1%. Based on these purely statistical measurements, the proposed and existing extensions would lead to a significant increase in the size of the original dwelling. In addition, it seems to me that the first floor element would add substantial bulk and massing to the building. As such it would represent a significant increase in the apparent volume of the original building.
8. Consequently, comparing the original dwelling to the dwelling that would result if the proposal were to go ahead, the outcome would be disproportionate. It would therefore be inappropriate development, which according to paragraph 143 of the Framework is, by definition, harmful to the Green Belt.

Openness

9. The Framework indicates that openness is an essential characteristic of the Green Belt. The development would significantly increase the scale and mass of the dwelling. As a result, in spatial terms, the openness of the Green Belt would be reduced.
10. Whilst I accept that the extension would not be unduly visible to the public, this does not mean that it would not affect the openness of the Green Belt. Although in isolation the loss of openness would be limited, nonetheless, there would be degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Other considerations

11. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
12. Planning permission has recently been granted for a first floor rear extension¹ of the same form, scale and design as that now before me, but subject to a

¹ Applications ref: 18/00892/FUL & 18/02314/FUL

condition requiring the removal of the garage prior to the construction of the extension. I do not have the full details of that case. However, it seems to me that the removal of the garage would have the effect of reducing both the volume and footprint of the extended building. Therefore, whilst the massing of the first floor element would be comparable to that of the appeal proposal, the development considered as a whole would be significantly different in terms of assessing whether the extension represented a disproportionate addition. Moreover, given the requirement, by planning condition, that the garage is removed, the approved scheme does not represent a viable fallback position. Consequently, this previous decision carries limited weight in favour of the scheme.

13. I note that neighbouring properties vary in terms of size and scale; however, the fact that a neighbouring property is larger in scale than the appeal dwelling does not make the proposed extension acceptable in terms of impact on the Green Belt. I can only deal with the proposal on its own merits in the light of current policy.
14. The Council has raised no objection to the development on the basis of its effect on the character and appearance of the building or wider area. In addition, both parties have indicated that they consider the proposal would not harm the living conditions of other nearby residents. From what I have seen and read I have no reason to come to a different conclusion in this regard. However, this is a neutral matter rather than one that carries weight in favour of the scheme.

Whether very special circumstances necessary to justify the proposal exist

15. To conclude, the appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt. It would also cause limited harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' 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.
16. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework.

Conclusion

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth INSPECTOR

