
Appeal Decision

Site visit made on 10 September 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2019

Appeal Ref: APP/W4705/D/19/3231679

The Lodge, Apperley Lane, Apperley Bridge, Bradford BD10 0PD

- 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 Iqbal Singh against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/01817/HOU, dated 24 April 2019, was refused by notice dated 19 June 2019.
 - The development proposed is a ground floor entrance extension with first floor extension over bungalow (with proposals within roof space).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development in the application form was 'mezzanine extension with proposals within roof space over bungalow'. However, I have adopted the description of the development in the banner heading above from the decision notice and appeal form as this is a more accurate description of the proposed development.
3. The second reason for refusal in the decision notice alleges that the plans submitted with the application fail to accurately depict the curtilage of the property. I find it unnecessary, in the context of this appeal, to conclude on the extent of the residential curtilage. There is no dispute that the proposed extension of the appeal property is on land falling within the curtilage and I am satisfied that I can deal with the matter as a householder appeal.
4. Moreover, the position of a red line boundary on a planning application does not automatically define the extent of the curtilage of any given property. Whether a particular area of land falls within the curtilage will be a matter of fact and degree based on the circumstances of the case. If a householder wishes to seek confirmation that the land falls within the curtilage of a property it would be open to him or her to apply for a certificate of lawful use under section 191 of the Town and Country Planning Act 1990. Equally, if the householder sought to erect development elsewhere on the land in the future then it would be open to the Council to consider the merits of that development at that time including, if necessary, making an assessment of whether or not the land fell within the residential curtilage.
5. Therefore, for clarity, no inference should be drawn from my decision on the question of whether all of the land shown within the red line boundary of the

site plan submitted with the application falls within the curtilage of the dwelling.

Main Issues

6. Therefore, the main issues are:

- i) 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;
- ii) The effect of the proposal on the openness of the Green Belt; and
- iii) If the scheme 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 it.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

- 7. The Lodge is a single storey dwelling immediately adjacent to Apperley Lane, between the railway line to the south and The Avenue to the north. It sits in a relatively sparsely developed area characterised by large swathes of farmland and woodland between Bradford and Leeds. It is in the Green Belt.
- 8. Paragraph 143 of 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 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of listed exceptions. The relevant exception in this case is Paragraph 145 c) 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.
- 9. While the Framework does not define 'disproportionate', the Council's Householder Supplementary Planning Document Adopted April 2012 sets out that where proposals result in an addition of over 30% of the original cubic volume, they are likely to be considered disproportionate.
- 10. Evidence submitted with the appeal indicates that the proposal would increase the volume of the building by approximately 50%. The Council considers that this figure is an underestimate, since the existing building has itself been extended and therefore its volume is already greater than that of the original building. However, and irrespective of the precise volume increase proposed, it is clear that the proposal would represent a significant increase in the volume of the building.
- 11. Therefore, on the basis of the evidence before me, the appeal scheme would result in disproportionate additions over and above the size of the original building. For this reason, the proposal would be inappropriate development in the Green Belt and it would therefore conflict with the policies that protect the Green Belt in the Framework.

Openness of the Green Belt

12. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
13. The Lodge is a low dwelling constructed in traditional materials that blend in with the tall boundary wall that separates it from Apperley Lane. It is separated from the railway line to the south by a line of mature trees and it is screened from views from the north, including The Avenue, by a dense belt of trees. It is unobtrusive building that is in keeping with, and well assimilated into, the surrounding area. It is not prominent in the streetscene.
14. The proposed extended dwelling would have a slightly larger footprint than the existing building, as a result of the extension to the entrance. However, the land to the front of the dwelling is currently hardstanding and the entrance extension would not therefore result in a spatial loss of openness.
15. However, by virtue of its increased height, a greater extent of the building including the first floor and roof would be visible from locations in the surrounding area. The dwelling would be made more conspicuous, both during the day and at night, by the large areas of glazing in the front elevation and the proposed rooflights and solar panels. Consequently, there would be a significant visual impact as a result of the increased height and bulk of the proposed dwelling. This would result in a small loss of openness of the Green Belt in this location.

Other considerations

16. There have been several previous applications for extensions to the property including, most recently, a first floor extension within the roof space (planning permission ref 08/01073/FUL). Although full details of those schemes are not before me, I note that they pre-date the publication of the Framework. They are not therefore comparable with the appeal scheme which must be determined in accordance with current planning policy. The previous lapsed planning permissions are therefore neutral factors and do not weigh in favour of the scheme.
17. There are no fundamental concerns in respect of the design of the building or the impact of the proposals on residential amenity. These are neutral factors that do not weigh in favour of the scheme.
18. My attention has been drawn to the apparent poor state of repair of The Lodge. However, there is little before me to indicate that the property is in such poor condition that its retention is not economically viable or that it could not be appropriately maintained in its current form. Similarly, it has not been demonstrated that maintenance of the garden is reliant upon the proposed development. These matters therefore carry little weight in my assessment.
19. The dwelling would include a number of features to improve energy efficiency, including photovoltaic panels and an electric charging point. While such features would contribute towards the sustainability objectives of the Framework, I am not persuaded that they could not be delivered in the absence of the proposed extension. This matter therefore carries little weight in my assessment.

20. There would be limited economic benefits, most of which would be realised in the short-term during the construction phase. The social benefits arising from an extension in this location would be minimal. These matters carry little weight.
21. I acknowledge that the appellant has a large family, including relatives who visit the property on a regular basis. While his desire to provide additional accommodation for the extended family is understandable, there is little before me to demonstrate the need for an executive home in this location. Moreover, although I appreciate that the proposal would be a benefit to the current occupiers, I am not persuaded that the existing substantial 4 bedroom and 2 bathroom property is fundamentally unsuitable to accommodate either this or another large family. Furthermore, no substantive evidence has been provided which demonstrates that there are no alternative solutions that could deliver substantially the same benefits without the harm that I have identified. Therefore, on the basis of the evidence, this is a matter which carries only limited weight in my assessment.

Green Belt balance

22. I have concluded that the proposed development would be inappropriate development in the Green Belt. It would result in a small loss of openness of the Green Belt. These matters attract substantial weight.
23. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

24. For the reasons set out above, the appeal should be dismissed.

Sarah Manchester

INSPECTOR