
Appeal Decision

Site visit made on 16 September 2019 by Hannah Ellison BSc (Hons) MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 9 October 2019

Appeal Ref: APP/N2739/D/19/3230473

4 Toulston View, Wetherby Road, Newton Kyme, Tadcaster, LS24 9LT

- 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 Miss Susannah Suffield against the decision of Selby District Council.
 - The application Ref 2019/0041/HPA, dated 14 January 2019, was refused by notice dated 18 March 2019.
 - The development proposed is a single storey rear extension.
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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 in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt and;
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

4. The appeal site comprises a two-storey semi-detached dwelling situated in a large plot within the Green Belt. The proposal is for a single-storey rear extension sited close to the party boundary with the adjoining dwelling.
5. Paragraph 145 of the National Planning Policy Framework (the Framework) states that new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions. The extension or alteration

of a building is included in these exceptions, provided that it does not result in disproportionate additions over and above the size of the original building.

6. The Framework does not set out what constitutes a disproportionate addition and the Council has no adopted guidance on the matter although as a rule of thumb considers an extension that increases the volume of an original dwelling by more than 50% to be disproportionate. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement.
7. The original dwelling has previously been extended to the front, side and rear such that the Council contend there has already been an 85% increase in volume over that of the original structure. This proposal would further increase the volume of the original dwelling and when combined with the previous extensions, the Council calculate that the increase would be some 117%. This figure is not disputed by the appellant. On that basis, in my judgement, this proposal, when considered cumulatively with previous extensions, would result in a disproportionate addition to the original dwelling and would constitute inappropriate development for the purposes of green belt policy.

Effect upon openness and purposes

8. Paragraph 133 of the Framework states that a fundamental aim of Green Belt policy is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Whilst the proposal would increase the footprint of the property, the extended dwelling would be largely screened from public vantage due to its scale, siting to the rear and mature boundary treatments. There would be some limited glimpses of the extension from the upper floors of adjacent dwellings however it would be read in context with the existing dwelling.
9. Nonetheless, in spatial terms the development would result in additional built form. This would increase the overall bulk of development present within the site and thus reduce the spatial openness of the Green Belt. For these reasons, the proposal would result in, albeit limited, harm to the openness of the Green Belt.

Other considerations

10. The proposed extension would be sited in a recess at the rear of the building and I acknowledge the appellant's point that it would appear as an infill development rather than extending the property into the garden. No objection has been raised by the Council to the appearance of the extension and, from all I have seen, I consider that the extension would not appear dominant or detract from the character and appearance of the building. However, this is a neutral matter rather than one which carries weight in favour of the scheme.
11. The appellant has expressed the view that due to the siting and scale of the proposed extension it would not harm the living conditions of adjacent occupiers. The Council has raised no objection to the proposal on this basis and note it would not result in overshadowing, overlooking or an oppressive environment to neighbours. I have no reason to disagree with this view. However, again, this is a neutral matter rather than one which carries weight in support of the proposal.

12. It is acknowledged that the appeal site may have permitted development rights that would allow the erection of outbuildings. However, whilst such buildings may harm the openness of the Green Belt, in the absence of any further details, the impact of those rights cannot be ascertained. Furthermore, if permission were to be granted for the extension, there is no reason why the outbuildings could not also be constructed in any event. As such, this matter holds limited weight in favour of the proposal.
13. It is noted that neighbouring occupiers do not raise any concerns with the proposal. However, a lack of opposition for a proposal is not a ground for granting planning permission and does not overcome the issues identified above. Therefore, no weight is given to this consideration.

Whether very special circumstances exist

14. The Framework states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. The proposed development would constitute inappropriate development in the Green Belt to which substantial weight is given. Additional weight is given to the harm to openness. The advanced considerations in support of the appeal whether taken individually or cumulatively, do not clearly outweigh the harm the scheme would cause. Consequently, the very special circumstances needed to justify the proposal do not exist, and the proposal would conflict with the Framework.

Conclusion and Recommendation

15. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

16. 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