



Appeal Decision

Site visit made on 20 August 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/E2734/D/19/3232163

3 The Sleights, Huby, Leeds LS17 0EL

- 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 P Smith against the decision of Harrogate Borough Council.
 - The application ref 19/00251/FUL, dated 18 January 2019, was refused by notice dated 7 May 2019.
 - The development proposed is the erection of a first floor extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Officer Report cites Saved Policy H15 of the Harrogate District Local Plan¹ 2001 (Local Plan) within the second reason for refusal. However, this policy has not been taken forward into the Decision Notice. As I consider the policy relevant to assessment of character and appearance, and it has already been mentioned within the Officer Report, I give this policy full weight within my decision. I do not consider that this has prejudiced either party.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposal on the character and appearance of the area; and
 - if it 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 the development.

¹ Saved Policy Version, 2007.

Reasons

Whether inappropriate development in the green belt

4. Policy EQ2 and SG4 of the Harrogate Core Strategy² 2009 (Core Strategy), together and amongst other matters, refer to the boundaries of the West Yorkshire and York Green Belts and seek protection of its quality and character. Although Saved Policy H15 of the Local Plan is more general it does refer to the need for extensions to cause no detriment to the character of the area, which in this case is the Green Belt. Paragraph 145 of the National Planning Policy Framework³ (The Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than listed exceptions. Paragraph 145 exception (c) states the extension or alteration of a building is inappropriate if it results in disproportionate additions over and above the size of the original building.
5. The appeal property is a single storey semi-detached cottage which sits at the edge of the village of Huby. The proposal would see a rise in the height of the roof ridge above that of the attached property; a hip to gable alteration above the side extension; skylights to the front elevation, and the addition of two dormer windows to the rear. The proposal would not increase the footprint of the property but would increase its volume.
6. According to the planning history within the Council's Officer Report, planning permission was previously granted for a single storey side extension and detached garage. The House Extensions and Garages Design Guidance 2005 states that within Green Belt extending the ground floor area by more than 50% is not normally permitted. The Council reports that the agent calculated the increase in volume above the original property size to be 49.7% and this figure has not been disputed by the appellant. A measure of volume is different from floor area; however, it is a matter of planning judgement whether the totality of the extensions is disproportionate or not.
7. The proposed roof additions, in combination with the existing extensions which I observed during my site visit, when taken as a whole, would substantially increase the size of the property over and above its original size and result in a disproportionate increase. The proposal would therefore conflict with Policies EQ2 and SG4 of the Core Strategy and Policy H15 of the Local Plan. The disproportionate increase in size would constitute inappropriate development in the Green Belt which must carry substantial weight within my decision.

Openness

8. The appeal property sits adjacent to the highway with open countryside along its southern and eastern aspects. It has a prominent position when entering the village. The Framework states that the main purpose of the Green Belt is to keep land permanently open. The roof additions would add volume, increase the roof outline and add fenestration which would, in combination, have a greater and harmful impact both spatially and visually on the openness of the Green Belt when compared with the existing dwelling. The proposal would also conflict with Policies EQ2 and SG4 of the Core Strategy and Policy H15 of the Local Plan.

² Harrogate District Local Development Framework Core Strategy. Adopted February 2009.

³ February 2019.

Character and appearance

9. As the appeal property is semi-detached the style and mass of the other half of the pair of dwellings is an important consideration. The proposed roof alterations would increase the ridge height resulting in a stepped appearance in the shared ridge which is currently continuous across both properties. This would be an incongruous feature which would harm the character and appearance of the pair of dwellings.
10. The existing roof has a hipped design which is reflected in the roof of the side extension. However, the other half of the pair of dwellings has a gable end to the main roof with only the side extension showing a hipped design. The proposed alteration from a hipped to a gable form would therefore not unbalance the properties. Similarly, the addition of three small rooflights to the front roof elevation would not substantially harm its appearance due to their proposed small size and regular distribution.
11. The appellant draws my attention to the size of larger dwellings in the area however, I must consider the proposals within the context of the appeal property and particularly the other part of the semi-detached pair. The appellant has also drawn my attention to the neighbouring full width dormer. The proposed two rear dormers would sit adjacent to this structure. They would be set back from the roof edge, in from the side elevation and below the ridge level. Within the context of the pair of properties, including the adjacent large dormer this addition would have a neutral effect upon the character and appearance of the property. However, in order to facilitate construction of the dormers, the roof ridge height would be raised. As stated earlier, the raised ridge height harms the character and appearance of the dwelling and its balance with the neighbouring property. The harm which would result from this part of the proposal is determinative. On this basis, and taken in its totality, the proposal would not preserve the character and appearance of the area.
12. The proposal would therefore conflict with Saved Policies H15 and HD20 of the Local Plan and Policy SG4 of the Core Strategy which together and amongst other matters, seek that development is well integrated with neighbouring buildings in scale and height and respect local character.

Other considerations

13. I understand the importance of the circumstances which have led to this proposal which aims to increase the size of the property to allow the family to remain in situ due to the proximity of their farming business. I give this issue moderate weight within my decision.
14. The possibility of a fallback position whereby the appellant could exercise permitted development rights and construct a large rear dormer has been raised. The appellant considers this would be more harmful than the appeal scheme. However, no details of this proposal have been submitted and I have no certainty that such a proposal would be undertaken. I therefore give this limited weight within my decision.

Other Matters

15. The Council make reference to a "slight amenity concern" regarding the possibility of overlooking of the neighbour's garden from the proposed rear dormer. Currently, due to the single-storey nature of the property, there is

minimal overlooking towards the neighbour. Construction of a rear dormer could give rise to overlooking of the garden and this would, to some extent, affect the living conditions of neighbouring occupiers. However, this matter is not a substantive reason in its own right and I have given it limited weight within this decision.

Conclusion

16. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and all development must preserve this openness. The development would harm the openness of the Green Belt and would constitute inappropriate development. The proposal would also harm the character and appearance of the area. Inappropriate development in the Green Belt should only be approved in very special circumstances. The totality of the harm from this proposal is not outweighed by the other considerations presented and therefore very special circumstances do not exist. The proposal would therefore conflict with the local plan policies and those of the Framework when considered as a whole.
17. For the reasons stated above the appeal is dismissed.

E Symmons

INSPECTOR