



Appeal Decision

Site visit made on 11 November 2019

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Appeal Ref: APP/P3420/D/19/3234703

4 Bignall Hill, Bignall End, Newcastle-Under-Lyme ST7 8QN

- 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 & Mrs Jones against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 19/00188/FUL, dated 18 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is a single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan, including the effect on openness and the purposes of including land within it;
 - The effect on the character and appearance of the existing property and the area, and;
 - If the proposal 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.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal property is a two-storey semi-detached dwelling that faces toward the adjacent highway and lies in the Green Belt. The dwelling sits upon raised land levels relative to the road and has been extended and altered over time, including an existing single storey flat roofed rear extension that extends beyond the side gable end. During my visit, I observed that a number of other alterations were taking place within the curtilage, including a partly built structure within the side garden on raised land levels and some excavations and retaining walls at the side and rear of the property. However, those alterations do not form part of the application before me. The proposal seeks to remove the existing single storey rear extension and replace it with a single storey side and rear extension with a similar flat roof design.

4. Policy S3 of the Newcastle-Under-Lyme Local Plan 2011 (LP), adopted October 2003, sets out the approach to development proposals in the Green Belt and in doing so, permits the well-designed extension or alteration of an existing dwelling as long as it does not result in disproportionate additions over and above the size of the original dwelling. The Framework post-dates the adoption of the LP and indicates 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 in the Green Belt should be regarded as inappropriate development unless the proposal meets one of a number of listed exceptions.
5. The listed exceptions in paragraph 145 of the Framework include where the extension does not result in disproportionate additions over and above the size of the original building, which is similar to the approach of Policy S3 of the LP in so far as it relates to a proposed extension to a dwelling. However, whether the extension is 'well-designed' is not relevant to the exception in the Framework and rather forms part of the main issue in terms of the character and appearance of the existing property and the area which I will go on to consider.
6. The Framework defines the original building as a building as it existed on 1 July 1948 or if constructed after 1 July 1948, as it was built originally. In that regard, it is a matter of dispute between the parties as to the size of the original building. In response, the appellants have submitted evidence which includes extracts from Ordnance Survey (OS) plans from 1925 and 1947 that identify that the appeal property was in-situ as part of the semi-detached pair. The appellants have also drawn to my attention that those OS plans, together with an OS plan dated 1961 and an application plan from 1981 at the neighbouring No 5 Bignall Hill Cottages (No 5), indicate the presence of a single storey rear extension across the full width of the appeal property which is different to that which existed at the time of my visit.
7. When having regard to the above and in the absence of any contrary evidence, I consider it reasonable that the original building as at 1 July 1948 included a single storey rear extension across the full width of the main property of at least a similar depth to that which currently exists. In reaching that view I have taken into account that the extension that was in place in 1948 has been subsequently demolished. Nonetheless, the Framework is clear as to what should constitute the original building if it existed in 1948 and does not require that the composition of the building at that date should remain in place.
8. Policy S3 of the LP and the Framework do not provide a specific definition of what would constitute a disproportionate addition over and above the size of the original building and, therefore, it is a matter of judgement for the decision maker. The appellants have referred to Council correspondence which suggests that extensions in the Green Belt with a 50% increase in volume are considered to be appropriate. However, there is no evidence before me that such a threshold is derived from a development plan policy or associated guidance.
9. With regard to the above, it is a matter of dispute between the parties as to whether the extension would fall below the aforementioned threshold. In that respect, there are no precise measurements before me relative to the volume calculations for the original building so as to provide certainty of an accurate basis for such an assessment. In any case, whilst a threshold of no more than 50% larger in volume than the original building may be a reasonable starting

point, to my mind whether an extension would be a disproportionate addition is also influenced by other factors such as the relationship in terms of footprint, scale, form and massing.

10. The proposal would result in a flat roofed single storey extension that would almost double the width of the original building at ground floor level when viewed from the front with a wraparound style design at the rear that would increase its depth. Even if I were to accept the appellants calculations of the proposed extension resulting in an increase in volume of approaching 47% based on an original building volume of around 311 m³ and a net addition of close to 146 m³. The proposed footprint, proportions and form of the extension with only a limited set back from the front building line would be viewed as a disproportionate addition, particularly relative to the comparatively modest frontage width of the original building. It follows that I consider that the proposal would result in a disproportionate addition over and above the size of the original building for the purposes of Policy S3 of the LP and paragraph 145 of the Framework. The proposal also does not fall within any of the other exceptions listed under paragraph 145 of the Framework.
11. As the extension would be a disproportionate addition to the original building, it would have an impact upon the openness of the Green Belt. The development would introduce additional built form in a location that is currently open and in use as residential curtilage at the front, side and rear of the existing single storey extension. The loss of openness would be visible from public vantage points along the adjacent road due to the gaps in hedge screening along the highway frontage for the respective vehicle accesses of Nos. 4 and 5. It follows that the development would not preserve the openness of the Green Belt. It also would not fall within the certain other forms of development that would not be inappropriate in Green Belt as listed in paragraph 146 of the Framework.
12. The location of the proposed extension within the established residential curtilage of the appeal property would not result in a harmful encroachment of development into the countryside or harm to the other purposes of Green Belt listed at paragraph 134 of the Framework. However, the absence of harm in those respects is a neutral factor.
13. I, therefore, conclude that the proposal is inappropriate development in the Green Belt, which is harmful by definition, when having regard to Saved Policy S3 of the LP and the Framework, with associated harm upon the openness of the Green Belt.

Character and appearance

14. The existing semi-detached property has a frontage of modest width with a pitched roof design incorporating a chimney and side gable end. When viewed from the adjacent road it has a mixed palette of materials including brown brick walls to the front and the existing extension, together with rendered walls at the side. The adjoining No 5 has similar proportions and materials when viewed from public vantage points at the front, albeit with some variations in detailing such as a bay window at ground floor level, together with first floor side windows and attached structures to the gable end and the visible profile of a flat roofed two storey rear extension. Consequently, there is an opportunity for an extension which would complement the subtle variety in appearance and detailing of the standalone semi-detached pair in their wider rural setting.

15. With regard to the above, the proposed single storey side and rear extension would consist of a flat roof design which would not be dissimilar to the existing extension toward the rear of the property or the two-storey extension at the rear of No 5. However, its siting closer to the front building line of the property would result in a more prominent addition in available views from public vantage points along the highway. From those perspectives, the associated scale and proportions of the extension, due to its considerable width and contrasting roof design relative to the main dwelling, would result in an insubordinate, incongruous and dominant addition. The prominence of the extension and its harmful effect upon the existing dwelling would be emphasised due to the elevated land levels relative to the road.
16. In reaching the above findings, I have taken into account that a variation in style, scale, building heights and roof forms is evident to properties elsewhere that adjoin the adjacent road. However, those buildings are distant from the site and their presence does not justify the harmful effect of the extension upon the character and appearance of the existing dwelling.
17. The harmful effect on the dwelling and its immediate surroundings would be a relatively localised impact due to the visual containment provided by boundary treatments and the reduced land levels of both the property and its curtilage relative to the more open agricultural land at the rear. In that respect, although the property lies within a designated area of landscape restoration, I find that the harm identified would not extend to an erosion of the character or quality of the wider landscape in the context of Saved Policy N21 of the LP. However, the absence of such harm is a neutral factor.
18. I conclude that the development would harm the character and appearance of the existing property and the area. The proposal, therefore, would conflict with Saved Policy H18 of the LP and Policy CSP1 of the Newcastle-Under-Lyme and Stoke-On-Trent Core Spatial Strategy 2006 - 2026. The policies, amongst other things, seek that new development is well designed and that the form, size and location of extensions are subordinate to the design of the original dwelling, with materials and design that fit in and that they do not detract materially from its character or the setting. The policies are consistent with the design objectives of the Framework and it follows that the proposal is also not "well-designed" for the purposes of Saved Policy S3 of the LP.

Other considerations

19. I have taken into account that the existing single storey rear extension already projects to the side of the main property. However, the proposed extension would have dimensions which would be both wider and deeper and also much closer to the front building line of the property and therefore, the presence of the existing extension is not justification for the proposal which would result in a much larger and more harmful addition to the original building. During my visit, I also observed that the adjacent No 5 had been previously extended including the significant two storey flat roofed rear extension. However, I do not have the full details of the circumstances that led to those extensions being accepted or the policies that applied at the time of their consideration and therefore, cannot be certain that the circumstances were the same. In any case, I have considered the appeal proposal on its own merits.
20. The appellants advise that the proposal before me is a re-submission following a previous refusal and is intended to provide additional floor space to enhance

and improve the living conditions for their growing family. However, such benefits are common to most extensions and therefore, do not of themselves reflect very special circumstances so as to justify the harm identified.

21. The appellants have also indicated that the dwelling retains permitted development rights for side and rear extensions and a rear dormer that could have an impact upon its character and appearance and the openness of the Green Belt which, therefore, constitute a fallback position in accordance with relevant case law. Based upon the evidence before me, extensions with an increased volume, floorspace and different footprint if built by utilising permitted development rights could increase the extent of built form particularly at the rear with a consequent impact upon the openness of the Green Belt. However, as any fallback position in that respect would be of a lesser width at the side than the proposal it would result in less harm to the character and appearance of the existing property and the perception of openness when viewed from the adjacent road. It follows that the identified fallback position which could be constructed under permitted development rights would be less harmful than the proposal before me and I, therefore, afford it only limited weight.
22. The existing access arrangements and boundary treatments are not proposed to be altered and the site would retain sufficient off-street parking so as to avoid an adverse impact on highway safety. In addition, the separation distance from the extension to habitable windows of neighbouring properties would ensure no adverse impact upon the living conditions and living environment of their respective occupiers. I also note that the occupiers of No 5 and Audley Parish Council have offered no objections. However, the absence of concern in those respects is a neutral factor that does not weigh in favour of the proposal.

Conclusion

23. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be associated harm to the openness of the Green Belt and harm to the character and appearance of the existing dwelling and the area. 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.
24. Having regard to my previous reasoning, I find that the other considerations in this case, when taken together, do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt and other harm arising from the proposed development. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal conflicts with the relevant policies of the development plan previously set out and the Framework when taken as a whole.
25. For the reasons given above, the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR