
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: 26 November 2019

Appeal Ref: APP/N2739/D/19/3229708

Rose Cottage, Main Street, Newton Kyme, Tadcaster, LS24 9LS

- 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 Jonathan Sykes against the decision of Selby District Council.
 - The application Ref 2018/1371/HPA, dated 3 December 2018, was refused by notice dated 20 March 2019.
 - The development proposed is a two 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.

Procedural Matter

3. Notwithstanding the description of development set out in the application form, I note that amended plans were submitted to the Council during its processing of the application, which resulted in a change to the description of development being applied for. It is clear from the amended plans and accompanying details that a more accurate description of the development proposal is the description provided in the appeal form as 'two storey rear extension'. The Council dealt with the proposal on this basis and so shall I.

Main Issues

4. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the proposal would preserve or enhance the character or appearance of the Newton Kyme Conservation Area;
 - The effect of the proposal on the Locally Important Landscape Area;
 - 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 this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether the development would be inappropriate development

5. The appeal site comprises a two-storey semi-detached dwelling, located within the village of Newton Kyme. The site and wider village are within the Green Belt. The site is bound by dwellings to the east and west, and open fields immediately to the north. This proposal seeks permission for a two-storey extension to the rear.
6. Policy SP3 of the Selby District Core Strategy Local Plan 2013 (the CS) states that, in accordance with the National Planning Policy Framework (the Framework) planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist.
7. Paragraph 145 of 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 provided that it does not result in disproportionate additions over and above the size of the original building, is one of these exceptions.
8. Neither the development plan or Framework explains what a disproportionate addition means. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement. As a guide, the Council considers that an increase in volume over that of the original dwelling of more than 50% would be disproportionate and this is not disputed by the appellant. I would agree.
9. The volume of the original dwelling has been previously increased through various extensions. Whilst this proposal includes the removal of a non-original front porch and single storey rear extension, from the evidence before me it is clear both main parties agree that the original dwelling has already increased in volume by over 50% due to the presence of a two-storey side extension. As such, the further increase in volume through this proposal, in combination with the existing extension, would represent a sizeable increase in the volume of the original building
10. Consequently, the proposal would constitute a disproportionate addition to the dwelling and would thus comprise inappropriate development in the Green Belt. In accordance with the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect upon openness and purposes of the Green Belt

11. Paragraph 133 of the Framework states a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
12. This proposal would introduce built development of an increased scale and form to the existing rear extension. It would therefore reduce the openness of the

Green Belt in spatial terms, contrary to the purposes of including land in the Green Belt.

13. In visual terms, it is noted there is a gradual decline in land levels through the appeal site and therefore the dwelling is positioned higher than the rear garden and the fields beyond to the north. However, as there is already a dwelling in place on the site and other premises immediately adjacent to it. It would not therefore significantly reduce openness in visual terms.
14. Consequently, taking the above together, and in the context of the Green Belt as a whole, this proposal would result in limited harm to openness.

Conservation Area

15. The appeal site is located within the Newton Kyme Conservation Area. The character and appearance of this part of the Conservation Area is derived in part from the historic development pattern and the consistency in the materials of the buildings which provide a pleasant uniformity to the settlement.
16. The Newton Kyme Village Design Statement, Supplementary Planning Document, 2012 (SPD) indicates that the size, opulence and style of building gradually changes to smaller cottages and converted farm buildings moving along Main Road. Houses, which are each built in a unique style, generally have a rectangular footprint. The dominant building material in the area is locally sourced Magnesian limestone and Welsh slate. Rose Cottage, which is an extended workers cottage, is constructed in materials that reflect the character of the village and the property makes a positive contribution to the significance of the Conservation Area.
17. The proposed development would be constructed of matching materials, and, whilst it would alter the massing of the dwelling, given that the building already has a rear extension, its existing footprint would not be unduly altered. The proposed development also seeks to replace the existing UPVC windows with timber frames and include timber frames in the proposed extension. It is noted the Council raises concerns that the windows would not be of a sliding sash design. Whilst the SPD notes that windows in the Conservation Area are Georgian white timber sliding sash, I observed on site that the appeal dwelling and many of the dwellings within the immediate locality did not have sash windows. As such, timber framed windows of a similar design to match the existing dwelling would not cause harm to the wider Conservation Area.
18. Accordingly, the proposal would preserve the character and appearance of the Newton Kyme Conservation Area. It would not therefore conflict with policies SP18 and SP19 of the CS or saved policies ENV1 and ENV25 of the Selby District Local Plan, 2005 (the 'LP') which collectively seek to ensure proposals are of quality design which preserve or enhance historic assets and have regard to local character.

Locally Important Landscape Area

19. The appeal site is also located within a locally important landscape area. Policy ENV15 of the LP notes that priority will be given to the conservation and enhancement of the character and quality of the landscape. The accompanying text explains that settlements are characterised by the use of local limestone in traditional buildings, and in order to help conserve the landscape character of

this area additional controls are proposed to ensure that development proposals achieve a high standard of design.

20. As defined in the Landscape Assessment of Selby District, 1999, the appeal site is located in the West Selby Ridge character area, where key characteristics include the rural character, large scale rolling arable farmland and low ridge of magnesian limestone. The Council have not specified their concern with the effect of the proposal on this locally important landscape area.
21. Nevertheless, policy SP18 of the CS and saved policy EN15 of the LP collectively seek to ensure the historic and natural environment are conserved and enhanced, particularly through the design, layout, landscaping and use of materials in new developments. As previously noted, the appellant seeks to finish the extension in materials to match the original dwelling and which are characteristic of the wider area. Therefore, there is nothing before me to suggest that the scale or design of the proposal would have a harmful effect on this designated area.
22. Consequently, the proposal would not harm the locally important landscape area and as such would not conflict with policy SP18 of the CS and saved policy ENV15 of the LP.

Other considerations

23. My attention has been drawn to the layout of accommodation at first floor level, and in particular the size and configuration of the study. I note the first-floor study is a relatively narrow space, and I acknowledge that the proposal would enable it to be extended to be used as a third bedroom. However, I am not persuaded on the basis of the evidence before me, that the quality of living accommodation in the property, considered as a whole, is inadequate. As such, this private benefit of the proposal carries limited weight.
24. The appellant states that should this appeal be dismissed there is a realistic possibility of erecting a single-storey extension and outbuilding under permitted development rights to provide the required increased living space. I am not aware that a Certificate of Lawfulness for Proposed Use or Development has been granted for such development but there is no reason for me to consider that permitted development rights do not exist. However, I am unconvinced that a single-storey outbuilding as shown on the sketch plan, which would be separate and detached from the house, would provide comparable bedroom accommodation to that proposed in this appeal. Evidence to demonstrate that the fallback position is greater than a theoretical possibility is therefore very limited.
25. However, even if it was considered a realistic fallback position, the proposed alternative scheme, which would read as a separate, subservient, ancillary building, would not add bulk and massing at first floor level to the already extended original dwelling. It would therefore be less harmful than the proposal before me in terms of whether the development would appear as a disproportionate addition to the property. Accordingly, the fallback position can carry only limited weight in support of the proposal.
26. The appellant also suggests that permission could be granted subject to conditions requiring the removal of existing outbuildings within a set timeframe and the removal of permitted development rights so as to prevent the erection

of further outbuildings. It is acknowledged that the removal of outbuildings and erection of the proposed extension would result in reduced built form at the appeal site. However, as I have found that this proposal would cause only limited harm to openness, the removal of outbuildings would only be of limited benefit.

27. Further, the removal of domestic permitted development rights on a house extension, which would be binding on future occupiers, would be unreasonable and would not meet the tests for conditions set out in paragraph 55 of the Framework. As such, I give little weight to this consideration.
28. The appellant has provided various appeal decisions in which it was determined there was a realistic permitted development fallback position. However, the full details of each case have not been submitted therefore I cannot be certain that they are directly comparable to the appeal proposal. In any event, this appeal has been determined on its own merits.

Green Belt Balance

29. 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. Limited additional weight is given to harm to openness.
30. Whilst I have found there to be no harm to the conservation area or locally important landscape area, these are neutral factors which do not weigh for or against the proposal. The advanced considerations in support of the appeal whether taken individually or cumulatively, do not, on balance clearly outweigh the conflict with planning policies that seek to protect the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal is at odds with the guidance in the Framework and Policy SP3 of the CS as set out above.

Conclusion and Recommendation

31. 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

32. 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