
Appeal Decision

Site visit made on 2 December 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/C2741/D/19/3237733

Dexter House, The Fold, Hessay, York YO26 8LF

- 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 J Neill against the decision of City of York Council.
 - The application Ref 19/00969/FUL, dated 8 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is part single and part two storey extension to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the Council does not have an adopted local plan, the development plan relevant to this appeal is limited to saved policies and the key diagram from the Yorkshire and Humber Regional Spatial Strategy (the RSS), which define and relate to the general extent of the Green Belt. Both parties acknowledge that the site is in the Green Belt. I have considered the appeal on that basis.
3. The submissions before me, and the Council's reasons for refusal, refer to policies in the City of York Draft Local Plan 2005 (the 2005 draft LP) and the Publication Draft City of York Local Plan 2018 (the emerging LP). However, whilst the Council states that it has approved the 2005 draft LP for development control purposes, and the emerging LP appears to have been submitted for examination, neither have been formally adopted. I therefore afford those policies weight only insofar as they are consistent with the National Planning Policy Framework (the Framework).

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and, if so, whether this would amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. The Framework regards the construction of new buildings as inappropriate development in the Green Belt. One of several exceptions is the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy GB1 of the 2005 draft LP and Policy GB1 of the emerging LP state that, in the Green Belt, permission will only be granted for development which would not detract from the openness or open character of the Green Belt, or conflict with the purposes of including land within it, and where it is for one of a number of specified purposes, including the limited extension of existing buildings. Although not adopted, the aims of both of those Policies GB1 are consistent with the Framework and I afford them moderate weight.
7. Policies GB2 and GB4 of the 2005 draft LP and Policy GB2 of the emerging LP set out criteria for considering extensions to buildings in the Green Belt. However, those policies appear to draw a distinction between extensions to buildings within washed over settlements in the Green Belt and those outside such settlements. That approach is not consistent with the Framework, which draws no such distinction. Therefore, and as those policies and settlement boundaries are not adopted, I afford them weight only insofar as their criteria are consistent with those in the Framework, in seeking to ensure that such extensions are small scale compared to the original dwelling, and would not prejudice the openness of the Green Belt.
8. The Council's House Extensions and Alterations SPD refers to extensions of more than 25% of a building's footprint as disproportionate. However, that figure appears to only refer to extensions outside settlements and, in any event, would not take account of any extensions to the upper floors of a property, which could significantly add to the scale and massing of an extension over and above that associated with its ground floor footprint. Therefore, and in the absence of any specific figure in an adopted development plan policy or in the Framework, I afford the 25% figure limited weight, and have considered the particular proposal before me on its own merits.
9. The ground floor part of the extension would project around 5.9m from the rear of the original building, and across the full width of its wide rear elevation. It would therefore have a significant floor area, and would represent a significant increase in the footprint of the dwelling, even having regard to the relatively large size of that original building. Whilst the proposed extension may be no deeper than the property's existing single storey rear extensions, it would be significantly wider, and would thus have a notably larger footprint and volume than those existing projections.
10. Furthermore, the development would include a first floor projection which, whilst smaller than the proposed ground floor extension, would nonetheless also project for some significant depth to the rear of the building. That first floor component would thus further contribute to the significant scale, volume and massing of the proposed extensions relative to the existing building.
11. Consequently, I conclude that the proposed development would not represent a limited extension to the original building. Rather, as a result of their footprint,

height and resultant overall volume and massing, the proposed extensions would represent a significant and disproportionate addition over and above the size of that original building in this case.

12. I observed various single storey rear extensions to neighbouring properties, some of which also cover the full width of their original buildings. However, the ground floor part of the extension proposed in this case would extend further to the rear than those existing neighbouring extensions, and would also include a first floor projection, which those neighbouring extensions do not.
13. Therefore, the proposed development would not be directly comparable to those existing extensions, and would extend beyond the parameters of those neighbouring properties and extensions in both its depth and its height. Consequently, even were I to have regard to the criteria in Policies GB2 of the 2005 draft LP and the emerging LP with regard to extensions to buildings within settlements, the proposed development would not constitute limited infilling, and thus would not accord with those criteria in any event.
14. Therefore, having regard to the Framework, and to Policies GB1, GB2 and GB4 of the 2005 draft LP and GB1 and GB2 of the emerging LP insofar as they are consistent with it, I conclude that the proposed development would be inappropriate development which is, by definition, harmful to the Green Belt, and which should not be approved except in very special circumstances.

The effect on openness

15. As a result of their footprint, height, volume and massing, the disproportionate extensions proposed would significantly erode the spatial openness of the Green Belt.
16. The extensions would be to the rear of the appeal building. However, I observed that the property's rear elevation and the upper parts of its existing ground floor extensions are visible from parts of the nearby public footpath to the east of neighbouring properties, despite some intervening vegetation. The appellant states that footpath is lightly used. However, it is nonetheless a public vantage point, from which the significant size and volume of the proposed extensions, and of the ground floor roof and the upper floor projection in particular, could be seen. The proposed extensions would therefore also significantly erode the visual openness of the Green Belt. Furthermore, as they would be taller, and would extend further to the rear than the single storey extensions to the rear of neighbouring properties, they would have a further erosive effect on the visual openness of the Green Belt over and above those existing projections, despite being seen partly in the context of them.

Other considerations

17. The Council has previously granted permission for two storey and single storey rear extensions to the appeal property¹. However, the extensions now proposed would project further to the rear at both ground floor and first floor level than those previously permitted. When taken across the full width of the building at ground floor level, and across the relatively wide first floor gable, those increases in depth would result in a significant increase in the overall volume and massing of the proposed extensions compared with those

¹ Application reference 18/02851/FUL

previously permitted. Therefore, whilst I have had regard to the permitted scheme as a fallback, its effects on the host property and on the openness of the Green Belt would not be as significant or extensive as those which would arise as a result of the proposal before me.

18. Prior approval has been granted for a single storey rear extension which would extend further to the rear, and have a larger footprint, than the extensions now proposed². However, whilst that approved scheme would provide a much larger kitchen and dining room, it would not include the first floor bedroom which is part of the current appeal proposal. Consequently, I cannot be certain that it would provide the accommodation required by the appellant, and am not persuaded that there would be a high likelihood of it being implemented were I to dismiss this appeal. Furthermore, in the absence of that first floor component, the approved scheme would not be as visible from nearby public vantage points or have the same effect on the visual openness of the Green Belt as the proposal before me in any event. I therefore afford it limited weight as a fallback position.
19. The development would provide additional accommodation for the appellants and their family. However, such circumstances are not unusual and I attach only limited weight to this consideration. The part single storey, part two storey extension previously permitted by the Council may not achieve the appellant's desired accommodation, and would mean a reduction in the depth of the existing living room extension. However, such matters carry little weight as justification for the significant harm to the Green Belt which would arise as a result of the larger extensions now proposed.
20. I have been advised that the proposed extensions would incorporate measures to optimise insulation, natural daylight, ventilation and thermal performance, and that the appellant is investigating ways of heating the property using renewable sources. Such benefits weigh in favour of the proposal. However, those benefits arising from these extensions to a single residential property would be relatively modest, and I afford them only moderate weight.
21. The extension would replace two existing rear extensions which, despite their slightly irregular roof form, are modest in scale and do not detract from the appearance of the building. I therefore afford little weight to their removal as a benefit in favour of the appeal proposal.
22. The extensions' roofs would be set down from that of the original building, and not dissimilar in form to those of other neighbouring properties and extensions. Therefore, and as the extensions would be built in matching materials, they would not appear unsympathetic or detract from the character or appearance of the appeal site or its surroundings. On the basis of the evidence before me, I have no reason to conclude that the development would harm the living conditions of neighbouring residents. However, the absence of harm in those regards is neutral, rather than a factor weighing in favour of the proposal.

Green Belt Balance

23. The Government attaches great importance to Green Belts. Therefore, substantial weight should be given to any harm to the Green Belt when considering any proposal for development within it. In this case I have found

² Application reference: 19/01608/LHE

harm to the Green Belt by reason of the proposed development's inappropriateness, and harm to the openness of the Green Belt. Balanced against that are the other considerations discussed above. However, for the reasons given, those do not clearly outweigh the harm I have identified.

24. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with the Green Belt protection aims of the Framework, and those of Policy GB1 of the 2005 draft LP and Policy GB1 of the emerging LP, which are consistent with the Framework as set out above.

Conclusion

25. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR