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## Appeal Decision

Site visit made on 28 January 2020

**by J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 February 2020**

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**Appeal Ref: APP/C2741/D/19/3240517**

**Fernholme, Common Lane, Dunnington, York YO19 5LS**

- 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 Keith Jenkinson against the decision of City of York Council.
  - The application Ref 19/01101/FUL, dated 29 May 2019, was refused by notice dated 26 September 2019.
  - The development proposed is a loft extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy, which set out the general extent of the York Green Belt.
3. In their reasons for refusal the Council cite policies contained in the City of York Draft Development Control Local Plan 2005 (the 2005 Draft DCLP), which has been approved by the Council for development control purposes, and policies in the Publication Draft City of York Local Plan 2018 (the emerging LP). As neither of these plans have been formally adopted, I have given them weight only in so far as they are consistent with the National Planning Policy Framework.

### Main Issues

4. The main issues are:
  - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - The effect of the development 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 so as to amount to the very special circumstances required to justify the proposal.

### Reasons

5. The appeal property is a detached bungalow located in the open countryside where development is sporadic and limited to occasional dwellings and

farmsteads, indicative of its rural location. The existing bungalow is single storey but includes rooms within the roof space. The proposal is to raise the height of the existing roof, at both eaves and ridge level, to provide a first floor that would offer additional accommodation, ultimately resulting in a full height two storey property.

#### *Whether inappropriate development*

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping the land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 145. One such exception being 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.
7. Policies GB1 and GB4 of the Council's 2005 Draft LP broadly conform to the general thrust of national Green Belt policy, supporting the limited extension or alteration of existing dwellings where this would be small scale compared to the original dwelling. Similarly, Policy GB1 of the emerging LP allows for the limited extension of existing buildings. This policy approach also conforms with the provisions of the Framework, in this regard. I therefore attach moderate weight to these local policies.
8. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
9. The appeal proposal would see the existing modest single storey bungalow extended to provide a two storey property. To facilitate this, the elevations would be built up and a new roof erected with a higher ridge line, increased by 1.7 metres, to accommodate the additional storey. The existing front facing gable projection would also be increased in height to enable the first floor extension. The proposal would not increase the footprint of the property, but it would increase its volume. The appellant estimates the volume increase to be approximately 40% over that of the existing building. Taken together, these increases would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building.
10. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policies GB1 and GB4 of the 2005 Draft LP, Policy GB1 of the emerging LP, and the associated policies of the Framework.

#### *Openness*

11. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal property is very clearly visible from the adjacent highway. Notwithstanding the neighbouring dwelling or the existence of other two storey properties within the vicinity of the appeal site, the openness of the Green Belt is clearly evident around the property and the wider area.

12. The appeal proposal would increase the volume, height and massing of the existing building and in doing so would result in a harmful loss of openness, albeit this would be limited given the scale of the proposal.

*Other Considerations*

13. As set out above, the development constitutes inappropriate development in the Green Belt. I have also found that it would be harmful to the openness of the Green Belt, harm which is given substantial weight. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
14. The evidence refers to a potential fallback option in the form of a rear extension with a projection of 8 metres that could be erected by exercising the appellant's permitted development rights. However, I have been provided with no details of this alternative scheme and cannot therefore be sure that it would be a realistic or probable alternative. I therefore give little weight to this as a potential fallback.
15. It is suggested that the proposed materials, natural oak cladding and slate, would make the building more organic and complementary to the Green Belt. Furthermore, I accept that the proposal would enhance the environmental conditions of the occupiers of the property, providing them with additional accommodation. However, the use of appropriate materials is a neutral factor in my determination, neither weighing for or against the appeal. The increased living accommodation is a private benefit and therefore attracts limited weight.
16. The appellant is of the view that national Green Belt policy should be open to differing opinions and suggests that other authorities throughout England exercise a different approach to Green Belt policy. However, I have not been provided with any evidence of these 'differing opinions' or how they may assist in supporting the appeal proposal. As such, I give this very little weight.
17. It has been brought to my attention that the Housing Minister is considering extending permitted development rights to allow the extension of dwellings upwards to create new homes to support housing delivery. However, the proposal would not create a new home and, in any case, it is incumbent upon me to determine the appeal on its own merits and in accordance with Government policy in place at the time of my decision.

**Conclusion**

18. In summary, the proposal would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
19. For the reasons set out above, I find that the harm to the Green Belt would not be clearly outweighed by other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

*Jeff Tweddle*

INSPECTOR