
Appeal Decision

Site visit made on 18 February 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2020

Appeal Ref: APP/C3105/D/20/3245120

Rose Cottage, Woodstock Road, Woodstock, Oxon, OX20 1QE

- 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 L Faulkner against the decision of Cherwell District Council.
 - The application Ref. 19/01913/F, dated 21 August 2019, was refused by notice dated 20 December 2019.
 - The development proposed is the erection of a two storey side extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. It is apparent that the plans of the proposed extension originally submitted with the application were amended before the Council made a formal decision on the case. I have only had regard to these amended plans.

Main Issues

3. The main issues are:
 - Whether the proposal extension constitutes 'inappropriate development' in the Green Belt;
 - The effect on the openness of the Green Belt;
 - The effect on the general character and appearance of the area; and
 - Whether any harm caused by being 'inappropriate development', together with any other harm, is outweighed by other factors so as to constitute very special circumstances.

Reasons

Background

4. The appeal site comprises a small detached house in its own garden which is situated on the northern side of Woodstock Road (A44) at a point where this road is a dual carriageway with separate cycle/walkway, and the rear of the sites lies alongside grassland of Oxford airfield. Apart from limited housing development further to the west, the surrounding area is mostly countryside and forms part of the Green Belt. The house is stone build and has a two storey design where the upper floor is formed in the high pitched roof with

front facing dormer widows at eaves level and it has single storey lean-to extensions to the side and rear. What constituted the property's primary elevation may have changed over time. It is proposed to add a two storey extension to the north facing side. At the time of my site visit trenches had been dug for footings in this area of the site which I understand is for the erection of a 'permitted development' extension if necessary.

Whether inappropriate development in the Green Belt

5. The development plan includes saved policies in the Cherwell Local Plan 1996 (CLP) and the Cherwell Local Plan 2011-20131 adopted in 2015 (the 2015 LP). In terms of the Green Belt the 2015 LP indicates that the Oxford Green Belt will be maintained by restricting development which will be assessed in accordance with the guidance in the National Planning Policy Framework (NPPF). This indicates in paragraph 145 that the erection of new buildings in a Green Belt will be inappropriate unless one of the stated exceptions applies. The one relevant to this case is (c) the extension of a building provided that it does not result in a disproportionate addition over and above the size of the original building. 'Original building' is defined in the glossary to the NPPF as the building as it existed in July 1947 or if constructed subsequently, the date when it was built. On this basis, the east side extension is not part of the original building as it was permitted in 2004.
6. There is no formal guidance before me as to what constitutes a disproportionate addition. The Council refers to a general 'rule of thumb' of 50% depending on the specific circumstances of a site. In this case the Council advises that based on the floorspace of the original building the proposed addition would result in an approximate 100% increase. The appellant says that a larger addition could be added to the property under 'permitted development' (PD)¹ but I will consider this 'fallback position' as a separate factor below.
7. In terms of the specific proposal it appears to me to be a disproportionate addition. In physical terms, seen from the front facing the highway, the width of the proposed extension would exceed more than half of the width of the original property bearing in mind the modest extension to the east elevation already added. Moreover, the scale of the new gable at the rear would result in a considerable increase in building bulk at first floor level compared to the narrow end gable of the original property.
8. Whether based on internal floorspace or the exterior bulk of building I find that the proposal would result in a disproportionate addition to this modest property and would result in inappropriate development in the Green Belt in conflict with national guidance.

The effect on openness

9. Openness has a spatial as well as visual dimension. Although the appeal site is partly screened by a high stone wall along the road frontage of the property, it is prominent in the public realm along the A44. The property is also seen in generally open surroundings including the environs of the airfield. The proposed addition would materially increase the building bulk of the property and reduce the openness around it. However, the effect of the change on the

¹ As set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

overall extent of openness locally would not be significant and I assess the effect on openness as a limited adverse effect.

Character and appearance

10. This issue is more concerned with the proposed change to the appearance of the property itself. The existing dwelling is modest in scale and it has an attractive appearance with stone elevations and a high pitched roof with front facing small dormer windows at the eaves. While the proposed extension would continue this design style I am concerned that the width of the extension is too large for it to be considered subservient to the scale and proportions of the existing modest property. Moreover, the impact of the extension would be accentuated by the scale of the front dormer which would dominate the proportions and form of the ones on the original property. The bulk of new rear gable with a high ridge height close to the main roof ridge would also result in a considerable building bulk and this would be seen at an angle when approaching from the north-west.
11. Overall on this issue I find that the scale and design of the extension proposed would not respect or be sympathetic to the character or appearance of the host property but would materially harm it and its setting in the public realm. As such it would conflict with the requirements of saved policy C28 of the CLP and Policy ESD 15 of the 2015 CLP

Fallback position

12. The appellant's architect also submits that the scale of extension and/or additional floorspace that the appellant is entitled to carry out as 'permitted development' (PD) results in a fallback position that makes the appeal scheme acceptable in comparison. The calculations of two potential maximum extensions are given where a side and rear ground floor extension would give rise to a total floor area of 103 sqm, which is said to exceed the floor area of the original building by some 120% compared to the current proposal of adding 76 sq.m. floor area. An alternative scheme of adding a single storey side extension and a two storey rear extension is said to provide an increase in floor area of 86 sq.m. In both of these cases the suggested work would more than double the floor area of the original property.
13. The Council disputes some of the claimed potential permitted development but while I am not able to give a formal view on the exercise of PD rights in an appeal of this nature, I have no reason to doubt their general application and that a significant extension could be added to the property without the need for express permission.
14. In assessing the weight that can be given to a fallback position I have to determine whether the calculations/schemes put forward are more than a theoretical possibility. In this case, there is no certificate of lawfulness before me concerning the PD work nor have I seen detailed plans of the alternatives involved so as to be able to assess whether the resulting additions would have a lesser, equal or greater visual or physical impact on the nature of the original building. However, from the footings started on site it appears to me that there is a reasonable prospect of this work taking place.

15. From all of the factors before me I conclude that the fallback position is more than a theoretical possibility and should be given moderate weight even though the exact implications are not clear cut.

Planning balance and whether harm outweighed

16. Bringing together my conclusions on the main issues, I have found that the size and scale of extension proposed means that it would result in a disproportionate addition to the original property taking account of an extension already added. As such it would constitute inappropriate development in the Green Belt. The current proposal would also have a limited adverse effect on the openness of the Green Belt. Substantial weight must be given to this harm to the Green Belt. Moreover, the design and scale of the extension would not respect or be sympathetic to the character and appearance of the host property and the work would conflict with the policies in the development plan that I have referred to.
17. To be balanced with these adverse effects, it is likely that there are other ways of enlarging the property under permitted development, which may result in a similar or greater increase in floorspace and visual impact and there is more than a theoretical possibility of such work taking place. This fallback position carries moderate weight.
18. I note the appellant's reference to other new development in the Green Belt some 2 miles away but there is little detail of this submitted to suggest that the circumstances of that development are similar to the appeal site. I have also taken account of the appellant's desire to update a property and make it suitable for modern day living.
19. However, I find that these considerations do not clearly outweigh the harm to the Green Belt and the other harm that I have identified. I conclude that the proposals conflict with the NPPF when this is read as a whole. Very special circumstances have not been shown to arise in this case. Further, the factors in support do not outweigh the conflict with the development plan and this indicates that planning permission should not be granted.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR