
Appeal Decision

Site visit made on 10 December 2019 by Scott Britnell MSc FdA

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2020

Appeal Ref: APP/F0114/D/19/3238196

Kelston Knoll, The Lodge, Kelston Road, Kelston, Bath BA1 9AD

- 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 Dr Xavier Ficquet against the decision of Bath & North East Somerset Council.
 - The application Ref 19/02510/FUL, dated 5 June 2019, was refused by notice dated 8 August 2019.
 - The development proposed is described as first floor side 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 Matters

3. The address in the header banner above has been taken from the application form. However, the Council and appellant both refer to the address of the appeal site as The Lodge, Kelston Knoll, Kelston Road, Bath, BA1 9AD and I have assessed the appeal on this basis.
4. The description of the development proposed in the banner heading has been taken from the application form. It is however clear from the drawings and appellant's submissions that the proposal is in fact for a two storey extension, as opposed to a first floor extension above the extant scheme. Consequently, I have assessed the proposal on this basis.

Main Issues

5. The appeal site is located in the Green Belt. Accordingly, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Development Plan and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt; and

- If the proposal would be 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 it.

Reasons for the Recommendation

6. The appeal site comprises a detached dwelling set on the north side of Kelston Road. The appeal property is L-shaped and sits within a large plot. Due to the topography of the area the garden to the north slopes up steeply. The site is located within the Green Belt, the Cotswold Area of Outstanding Natural Beauty (AONB) and the setting of the Bath World Heritage Site (BWHS).

Whether Inappropriate Development

7. Paragraph 145 of the Framework advises that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a few exceptions. This includes 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. The glossary attached to the Framework confirms that the term 'original building' relates to the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built. Policy CP8 of the Bath and North East Somerset Core Strategy Part 1 of the Local Plan (Adopted July 2014) (CS) and Policy GB3 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy & Placemaking Plan District-wide Strategy and Policies (Adopted July 2017) (PP) are broadly consistent with the Framework in this regard.
8. The Framework does not provide a definition of disproportionate but the Council's Supplementary Planning Document Existing Dwellings in the Green Belt (SPD) provides an indicative guide in this regard, establishing that a volume increase of about a third of the original dwelling would be likely to be an acceptable size of extension, taking into account the site, the dwelling and the nature of the proposed extension.
9. There is no dispute between the parties that the property has previously been extended and that planning permission exists for a single storey extension. The appellant's case is that the proposed extension would result in an increase of 25 cubic metres over that of the single storey extension found to be acceptable by the previous Inspector¹ and that the percentage increase in volume would fall well below that set out in the SPD.
10. Whilst I acknowledge that the increase in size proposed would be modest and would not be disproportionate to the size of the extended dwelling, including the extant planning permission for the single storey extension, both national and local planning policy as set out above, clearly require that the assessment of proportionality is made against the original building and not the existing building, or the existing with permitted extensions.
11. In this case the proposed two storey extension would, taken with the existing two storey extension, result in a substantial increase in the size of the original building. Reference is made to a 144% increase in volume above the size of

¹ APP/F0114/D/12/2168626

the original building. The proposal would result in the original building being engulfed by two storey additions.

12. In light of the foregoing, I conclude that taken with the two storey extension to the property, the proposed extension would result in a disproportionate addition over and above the size of the original building. Accordingly, the proposal would comprise inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

13. Openness is an essential characteristic of the Green Belt. The proposal would result in a spatial and visual change to the property and its environs and the openness of the Green Belt would be reduced. Although the reduction in openness would be limited and localised, it would cause harm to the Green Belt.

Other Considerations

14. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
15. The appellant submits that the proposal would be only marginally larger than the scheme approved by the previous Inspector. I have not been provided with a copy of the appeal decision in this regard, however it is clear from the drawings before me that the proposed extension would be higher than the approved extension, providing accommodation over 2 storeys as opposed to on the ground floor only. It would as a consequence have a greater visual and spatial impact than the approved extension. The increase in height of the boundary wall as suggested would not mitigate this harm. The proposed extension would not be comparable in scale to the approved extension and the 'fall-back' position carries limited weight in favour of the proposal.
16. The reduction in size of the garage as suggested by the appellant is noted, however no details in this regard have been provided so I am unable to take this into account as part of my consideration of the proposal.
17. I acknowledge that the proposal would provide improved living accommodation for the appellant. This is a personal circumstance to which I afford limited weight in favour of the proposal, because the development is likely to remain long after the current personal circumstances cease to be material.
18. The form and design of the proposal and its suggested materials would relate well to the existing dwelling and not cause harm to its character and appearance, or the wider AONB. Further, given the location of the appeal site and the distances to the nearest dwellings, the proposal would not harm the living conditions for the occupants of those properties. The absence of harm in respect of these matters carries neutral weight in my consideration of the proposal.
19. There is no dispute that the appeal site is within the setting of Kelston Knoll, a Grade II Listed Building, being the former lodge to this property. It is also

within the setting of the BWHS. The design of the proposed extension would be of a high quality. It would preserve the setting of Kelston Knoll and its significance as a heritage asset. Moreover, the proposal would have no harmful effect upon the BWHS, its setting and its significance as a heritage asset. Whilst there is no dispute between the parties in respect of these matters, my findings in this regard carry neutral weight in my consideration of this case.

20. It is submitted that at the planning application stage that support was received for the proposal. Whilst this may have been the case, the decision of the Council was to refuse planning permission. I have considered the proposal on its merits and the support for the scheme carries limited weight in my overall consideration.
21. The appellant considers that the application should have been decided by the Council's Planning Committee, as opposed to under officer's delegated powers. However, how the planning application was determined is not a matter for me in this S78 appeal.

Conclusion

22. The new extension would be inappropriate development in the Green Belt and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. At most I give limited weight to the material considerations cited in support of the proposal and conclude that, taken together, they do not outweigh the harm the proposed development would cause to the Green Belt.
23. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal would therefore conflict with Policy CP8 of the CS and Policy GB3 of the PP, which collectively seek to protect the openness of the Green Belt from inappropriate development, and permit extensions where they would not represent a disproportionate addition over and above the size of the original building. There would also be conflict with the Green Belt aims of the Framework and the guidance on extensions set out in the SPD.

Recommendation

24. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR