The Planning Inspectorate

Appeal Decision

Site visit made on 10 March 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2020

Appeal Ref: APP/P0240/D/20/3244747
35 Tring Road, Dunstable LU6 2PX

- 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 Difalco against the decision of Central Bedfordshire Council.
- The application Ref CB/19/03586/FULL, dated 24 October 2019, was refused by notice dated 18 December 2019.
- The development proposed is single storey rear extension, loft conversion c/w 3 no dormers and internal balcony.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt;
    - the effect of the proposal on the openness of the Green Belt;
    - if the development is inappropriate, 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 the development.

Reasons

Inappropriate development

3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. One of the exceptions cited is the extension of a building provided that it does not result in disproportionate additions over and above the size of the 'original building'.

4. Policy H13 of the South Bedfordshire Local Plan Review 2004 (LP) predates the Framework, however it conforms to the thrust of national Green Belt policy in

these respects. The supporting text to the policy sets out that modest extensions are those that are not disproportionate to the original building.

5. The Central Bedfordshire Design Guide 2014 states that extensions to dwellings within the Green Belt should not exceed 60% of the original dwelling and that the impact of the extension in terms of floorspace, volume, massing and design will be considered.

6. The evidence indicates that the building has previously been extended and this resulted in a 36% increase to the original footprint. The proposal comprises a single storey rear extension and the conversion of the existing loft with the insertion of 3 no dormer windows which would raise the height of the original roof by approximately 1.66m.

7. The Council puts the increased floor area at 47 sqm, which taking into account the existing extension would lead to a total increase of 95% of the original dwelling. The appellant considers that the loft conversion does not result in the creation of any additional floorspace, and that the overall increase would be less than 60%. However, the increased ridge height does result in an increase in volume. I consider that the loft conversion increases the amount of habitable floor space and therefore should be included in the floorspace calculation.

8. No information has been given regarding volume, which is another mechanism for quantifying the degree of change. However, assessing proportionality is primarily an objective test based on size. As a result of the proposal the dwelling would be over 1m higher than the existing dwelling and lead to the introduction of 3 dormer windows. Comparing the original building to the one that would result if the proposal were to go ahead I consider that the outcome would be disproportionate when considered against the original dwelling. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

9. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. The proposal would not comply with Saved Policy H13 of the LP which seeks to restrict inappropriate extensions in the Green Belt, which is consistent with the Framework.

The effect of the proposal on the openness of the Green Belt

10. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Openness can be defined as the absence of built form. In the case before me the bulk of the built form would increase significantly as a result of the rear extension and the increase to the existing ridge height and would therefore, in spatial terms, have a harmful impact upon the openness of the Green Belt.

11. However, openness also has a visual aspect as well as a spatial one. I note that the appeal site sits back from the road and is located within a row of residential dwellings, the majority of which are bungalows, similar to the appeal site, although the immediate neighbouring property is two storey. Therefore the

proposal would be seen within the context of these existing neighbouring dwellings. It follows that the proposed alterations to the dwelling would not be visually intrusive. Notwithstanding this however, it would nonetheless have a moderately harmful impact on openness due to its spatial characteristics.

Other considerations

12. I have addressed arguments regarding the floorspace and resulting proportionality above, but in addition I note the appellants' comments in relation to the varied street scene within Tring Road and agree that the proposal would have limited impact on the character and appearance of the area. However, it would not, as the appellants argue, represent an enhancement, and this therefore represents a neutral factor in any assessment.

Conclusion

13. In conclusion I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework and result in moderate additional harm to the openness of the area. It would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.

14. As explained above I can give only neutral weight to the other considerations cited in support of the proposal and conclude that they do not outweigh the harm the scheme would cause.

15. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G.Pannell

INSPECTOR