



Appeal Decision

Site visit made on 9 March 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2020

Appeal Ref: APP/X4725/D/19/3242589

The Old Service Station, Newstead Lane, Havercroft, Wakefield WF4 2HN

- 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 Philip Normington against the decision of Wakefield Council.
 - The application, Ref 19/01267/FUL, dated 28 July 2019, was refused by notice 14 October 2019.
 - The development proposed as described on the application form is: single storey side and single storey rear 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.

Preliminary Matter

3. When the application was initially made to the Council the agent for the appellant completed a householder application form which was dated 03 June 2019 with the ownership certificate dated 24 August 2019. It is not clear why the ownership declaration post-dates the date of the application because the aim of such certificates is to confirm who owns the property at the time the application is made. The proposal was described as a single storey side and single storey rear extension. Subsequently, the Council requested that a full application form should be used based on its understanding that the site was in mixed use and not solely residential. The appellant duly submitted a new application form which was dated 28 July, as was the ownership certificate. The proposal was described as a single storey side extension.
 4. However, the appellant is clearly of the view that the property is in use as a single dwellinghouse and, from the information before me, I am satisfied that is the case and I am content that the appeal can proceed by way of the householder appeal service. I have used the date of the application given in the revised application form in the banner heading above on account of the discrepancies between the date of the application and the ownership certificate on the original application form.
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5. As noted above, there was a discrepancy in the description of development given on the two application forms. One described the proposal as a single storey side extension and the other as a single storey side and single storey rear extension. It is clear that the proposal relates to both the side and rear extensions. However, the decision notice and Council officer report also refer to the erection of a balcony to the side, which has been constructed on top of the existing side addition. In his appeal statement the appellant confirms that the balcony was part of the development for which permission was sought and I have considered that element as part of the appeal.
6. I observed during my site visit that work has commenced to the side and rear ground floor extensions. The balcony upon the existing side addition has been constructed.

Main Issues

7. The site is located within the Green Belt. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the appeal property and surrounding area.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations? If so, would this amount to the special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether the proposal is inappropriate development in the Green Belt

8. Paragraphs 143-145 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. New buildings should be regarded as inappropriate development subject to a number of exceptions which are as set out at paragraph 145 and includes at paragraph 145(c) 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. Policy D23 of the Local Development Framework Development Policies (LDF) follows the same path.
9. The proposed development seeks a single storey extension that would wrap around the original dwelling at one side and at the rear. The balcony sits atop of an existing side extension and overlooks open fields. There is dispute between the Council and appellant regarding the overall floor area and volume increase of the proposal. The appellant contends that the floor area of the proposal would equate to 74 square metres and that it would have a volume of 198 cubic metres. The Council suggest the floor area would be 81 square metres and that the volume would be 229 cubic metres. The difference in floor area would appear to be applicable to the fact that the appellant's calculations

do not appear to take account of the area created by the balcony. That is clearly part of the proposal and the Council's figure of 81 square metres would appear to be more reflective of the true figure.

10. The difference between the volumetric calculations is less easy to explain from the information provided. However, even if I were to take the appellant's calculation as a lesser figure, the volume of the existing side extension and that of the enclosed balcony would need to be added to the suggested 198 cubic metres¹. Thus, the cumulative increase over the size of the original building would be in excess of 200 cubic metres. There appears to be no dispute that the volume of the original building was 304 cubic metres. Thus, even taking the appellant's lesser figure the cumulative increase would represent a volumetric addition of roughly two thirds the size of the original property. The floor area increase would be roughly 80% greater than the floor area of the original building.
11. Neither the Framework or the Local Plan set a figure as to what is considered to be a disproportionate addition and an element of judgement is therefore required. The Council indicate that a 50% increase is used as a 'rule of thumb' and that is not ungenerous given the aims of Green Belt policy.
12. Having regard to the calculations and having viewed the proposal on site it is clear that the development would add greatly to the overall mass, and scale of the original dwelling, particularly as the side element of the ground floor extension extends out from the original flank wall by over half the width of the original dwelling. The overall development therefore adds significant bulk, mass and scale to the original building resulting in disproportionate additions over and above the size of the original dwelling.
13. Consequently, the development constitutes inappropriate development. Accordingly, the proposal conflicts with the Framework and the LDF Policy D23. *Openness of the Green Belt*.
14. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The proposal would result in a significant change to the overall mass and form of the original dwellinghouse and would be considerably larger than at present and thus would detract from the openness of the Green Belt. Consequently, in addition to the inappropriate nature of the development, the proposal would have both a visual and spatial impact upon the openness of the Green Belt given the dwelling's location and siting. The appellant contends that the effect on openness will be limited because the development is on the very edge of the Green Belt which extends away from the property. However, the proposal is within the Green Belt and would be visible from within it and the effect on openness is not diminished as a result of the location of the site on the edge of the designation.

¹ The Framework requires an assessment of the cumulative additions to the 'original building' which is defined as the building as it stood on 1st July 1948, or if built after that date, as originally constructed

Effect on character and appearance

15. The appeal property is a two-storey detached dwelling and sits in a large plot. Set back to the side of the dwellinghouse is a business premise in the same ownership. The site is located on the eastern edge of Havercroft with open and green fields beyond. Consequently, the character of the area is semi-rural.
16. As a result of the width, breadth and roof profile, the proposal would appear disproportionately large and consequently the original dwelling would substantially increase as a result of the mass and scale of the ground floor extensions. This would result in them appearing as unbalanced and disproportioned additions that would be at odds with the character of original property and the area. This would be in conflict with the aims of the Development Policies Document, Residential Design Guide, Part 2: Guidance for Householders, Supplementary Planning Document (2018) (SPD), which requires development to respect the existing character and scale of the original dwelling and area. Consequently, the proposal would conflict with Policy CS10 of the Local Development Framework Core strategy (2009) and Policies D9 and D10 of the Development Policies, Local Development Framework (2009) (LDF), which collectively seek to positively contribute and enhance the quality of the area by ensuring developments reflect the local character and distinctiveness of the area.
17. The Council state that the balcony is acceptable and I agree that this element of the development does not have an adverse impact on the character and appearance of the original dwelling or the surrounding area.

Other considerations

18. The appellant notes that a previous planning application² for a two-storey side and single storey rear extension was granted approval and this remains extant. He argues that the difference in volume and floor area of the previously approved scheme and the current one is minimal, and this alongside the current proposal being only single storey, would result in a reduced impact on the visual amenity of the property than the previously approved scheme. The Council considered that the previous approved scheme would not constitute inappropriate development given that it would not be disproportionate to the size of the original dwelling. They also considered that it would not affect openness due to the removal of the existing car port and its siting. In terms of its design, scale and mass would reflect the character and appearance of the original dwelling and surrounding area.
19. Neither party has provided copies of the plans relating to the previous approval and a comparison of the visual impact is therefore difficult. However, even by the appellant's admission, the current proposal is larger in terms of volume than the proposal previously approved and, thus, the cumulative impact in terms of the openness of the Green Belt would be marginally greater. From the information provided, the previous approved scheme was at the margins of what could be considered acceptable in terms of the increase in size within the Green Belt. Whilst the extant permission carries some weight the information

² 18/01931/FUL

provided does not allow a direct comparison and I am not satisfied that it justifies further incremental harm to the openness of the Green Belt.

20. I have assessed the current proposal before me on its own individual merits and in considering this appeal have reached my own conclusion on the basis of evidence before me. For the above reasons, I have found the proposal to be inappropriate development due to the disproportionate sized extensions, harmful to openness, and not characteristic of the original dwelling or surrounding area.
21. The appellant states that due to deteriorating health issues he requires downstairs bedroom accommodation. The appellant's family doctor has confirmed that given the health issues a downstairs bedroom to cater for the appellant's future needs would be sensible. Whilst I am sympathetic to the appellant's circumstance and can give moderate weight to this matter, there is nothing before me that demonstrates that suitable alternative measures have been taken within the existing dwelling that could not achieve the same ends without causing harm to the Green Belt. No demonstrable evidence has been submitted that indicates the required accommodation cannot be met in other parts of the house and that modifications or adaptations cannot be fitted within the dwelling which would enable continued access to the upper floors, for example a stair lift or an independent internal lift which would provide access to the upper floor in the existing dwelling.
22. Personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances no longer apply. This is an important factor in the context of the Green Belt and the objective of keeping land permanently open. Consequently, I can only attach moderate weight to those matters.

Whether Very Special Circumstances Exist

23. The proposal would amount to inappropriate development in the Green Belt, and harms the openness of the Green Belt. Substantial weight is therefore given to this harm as required by the Framework. The development would also have an adverse effect on the character and appearance of the appeal property and surrounding area. Thus, the cumulative harm is very substantial. The proposal therefore conflicts with the essential characteristics of the Green Belt as set out in the Framework and should not be approved except in very special circumstances.
24. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. For the reasons given above I attach moderate weight to the appellant's personal circumstances and the weight I attach to the potential fall-back scenario of the existing planning permission is limited. The combined weight afforded to those matters does not 'clearly outweigh' the harm that I have identified and the very special circumstances required to justify the development do not exist.

Conclusion

25. Therefore, the proposal would amount to inappropriate development within the Green Belt and is contrary to the aims of the Framework and the development plan. There are no very special circumstances that would outweigh the harm in those respects and there is nothing to indicate that a decision should be taken other than in accordance with the development plan.
26. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree that the appeal should be dismissed.

Chris Preston

INSPECTOR