



Appeal Decision

Site visit made on 1 June 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

Appeal Ref: APP/J4525/D/19/3241556

Pond Cottage, West Cherry Knowle Farm, off Burdon Road, Ryhope, City of Sunderland SR2 0SS

- 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 Wright against the decision of Sunderland City Council.
 - The application Ref 19/01467/FUL, dated 2 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is erection of two storey extension, single storey side extensions and new external porch.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Philip Wright against Sunderland City Council. This application is the subject of a separate Decision.

Procedural Matters

3. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to the Council's decision, it has adopted a new Core Strategy and Development Plan (CSDP). The Council has confirmed that the policies of the Unitary Development Plan referred to in its decision have been replaced and has confirmed the policies of the CSDP which now apply. Both parties have had the opportunity to comment on the new development plan. I have therefore considered the appeal against the relevant adopted policies and make no further reference to the previous development plan.
4. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
5. At my site visit I saw that a development on the site had commenced. I am aware that a Lawful Development Certificate¹ (LDC) has been granted for

¹ Ref: 19/01011/CLP

development including extensions and a garage at the site. I am also aware that the legal status of the LDC has been queried on matters including curtilage and land ownership.

Main Issues

6. The main issues in this appeal are:

- Whether the proposal is inappropriate development in the Green Belt;
- The effect on the openness of the Green Belt as well as the character and appearance of the building and the area; and,
- 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

Whether Inappropriate Development

7. The appeal site is within the Green Belt. Based on the evidence before me, the original cottage on the site was a small building of an understated character. The site is near to a complex of farm buildings which are of a relatively utilitarian appearance.
8. The National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt are inappropriate unless, amongst other things, it would involve the extension of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building.
9. There is no definition within the Framework of 'disproportionate'. The Council refers to other cases where an increase in floorspace was considered to be important, but also emphasises other considerations relating to the physical form of the development. Essentially, the consideration of whether extensions would be disproportionate is a matter to be determined on a case by case basis.
10. The proposal would include extensions to the ground floor on either side of the dwelling, and a two storey extension to the rear including a pitched roof. The Council has calculated that the proposal would increase the footprint of the original building by around 200% and the volume by approximately 125%. With regards to the physical form of the development, the extensions would result in a building which would be significantly wider than the original building and which would be of substantially greater massing at roof level.
11. Due to the scale and bulk of the development I conclude that the proposal would result in disproportionate extensions to the original building. Accordingly, the proposal would amount to inappropriate development in the Green Belt.

Openness and Character and Appearance

12. Openness is an essential characteristic of the Green Belt. As the proposal would increase the scale and bulk of the building it would be harmful to the

openness of the Green Belt. However, in respect of the wider Green Belt the loss of openness would be limited.

13. In respect of character and appearance, the design of the side extensions so that they would be flush with the rear elevation, when combined with the rear gable wall, would result in a slab-sided building of a suburban appearance. This would be at odds with the understated rural character of the original dwelling and nearby buildings, and which would lead to an incongruous feature in this area of countryside. The rear elevation of the extended building would be apparent as an over-dominant and obtrusive feature in views from a public right of way which passes near to the site.
14. The size of the plot in which the building sits would not mitigate the harm arising from the scale and insensitive design of the proposal. The potential use of materials would also not mitigate the harm arising from the inappropriate design.
15. The front elevation also includes features of a suburban character, including a large porch and a Juliet window. However, the front elevation is not readily visible from the public realm or nearby properties and this matter does not weigh against the proposal.

Other Considerations

16. The appellant has submitted details of a scheme which has been permitted under an LDC. Whilst the legal status of the LDC has been questioned, I consider that this is broadly representative of the form of development which could be constructed under the property's permitted development rights. As such, I have had regard to this as being indicative of a 'fallback' development and in accordance with *Zurich*².
17. However, compared to the LDC scheme, the appeal proposal would include a pitched gable roof on the rear extension which would materially increase the bulk of the proposal at roof level compared to the extensions and garage covered by the LDC scheme. The ground floor extensions of the appeal proposal would also be flush with the rear gable wall which would exacerbate the obtrusive appearance of the proposal. I acknowledge that the side extensions may be slightly narrower than those of the LDC scheme and that the appeal proposal does not include a garage. However, these matters do not outweigh the harm I have identified arising from the proposal when considered as a whole. Within that context, I give the potential fallback scheme no more than limited weight in favour of the proposal.
18. The appellant refers to the site being previously developed land and that the proposal would make efficient use of this land to provide extended accommodation to enable residents to remain in the area. However, these benefits could be achieved through a building of a more acceptable design and these matters do not therefore weigh in favour of the proposal. I have also found that the proposal would have a greater impact on the openness of the Green Belt than the existing development, and whilst that harm would be limited the proposal would not meet the exception of paragraph 145(g) of the Framework.

² Zurich Assurance Ltd (t/a Threadneedle Property Investments), R (on the application of) v North Lincolnshire Council & Anor [2012] EWHC 3708 (Admin) (20 December 2012)

19. With regards to benefits arising from construction jobs, due to the scale of the proposal these would be minimal.

Conclusion

20. Drawing the above together, I conclude that the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm. The proposal would also lead to limited harm to the openness of the Green Belt. I have also concluded that the proposal would harm the character and appearance of the host building and this rural area due to the scale and design of the rear and side extensions. The other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
21. Due to the harm to character and appearance, the proposal would conflict with policy BH1 of the CSDP in respect of design quality. The proposal would also conflict with Policy NE6 of the CSDP which states that development which is inappropriate in the Green Belt will not be approved except in very special circumstances. The proposal would also be contrary to the Framework in respect of achieving well-designed places and protecting Green Belt land.
22. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR