



Appeal Decision

Site visit made on 17 June 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/N1025/D/20/3251022
Hill Lodge, Morley Road, Morley DE21 4QZ

- 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 Hubbard against the decision of Erewash Borough Council.
 - The application Ref ERE/1219/0038, dated 19 December 2019, was refused by notice dated 12 March 2020.
 - The development proposed is 'Demolition of Existing Conservatory and Erection of a Single Storey Side Extension'.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory and erection of a single storey side extension, at Hill Lodge, Morley Road, Morley DE21 4QZ, in accordance with the terms of the application Ref ERE/1219/0038, dated 19 December 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19/HLMR/01 (Floor Plans/Elevations As Existing); 19/HLMR/02 (Site Plan as Existing); 19/HLMR/03a (Floor Plans/Elevations as Proposed); 19/HLMR/04a (Site Plan as Proposed).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The appeal site lies within the Green Belt. Therefore, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - the effect on the openness of the Green Belt;
 - the effect on the character and appearance of the area;
 - if the proposal is found to 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 required to justify the development.

Reasons

Whether Inappropriate Development

Size of Extension

3. Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development, but lists certain forms of development which are not regarded as inappropriate, including the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy GB4 of the Erewash Saved Policies Document (July 2008) (the ESPD) sets out a similar requirement.
4. The Framework does not define 'disproportionate' and makes no reference to the effect on openness of the Green Belt in relation to this particular exception to inappropriate development. The Council does not refer me to any definition of 'disproportionate' in its policies or supporting guidance, but alludes to case law indicating extensions falling within a range between 30-50% may be disproportionate. However, no judgements in respect of this issue have been put before me, nor has the Council qualified to what measurement a 30-50% increase refers. Therefore, there is discretion in the assessment of whether the proposal would meet the Framework exception in this case.
5. The extension would extend forward of the existing rectangular bungalow to form one wing of an L-shaped dwelling. The appellant indicates the extension would increase the volume of the original dwelling by some 42%. The existing bungalow has a wide footprint and presents a substantial frontage toward the roadside, though it is largely screened from public views on Morley Road by trees lining the driveway. Given this broad frontage, the extension, although extending nearly 8 metres forward of the front elevation, would still be significantly shorter than the main front elevation, and viewed from the front, the gable end would not add significantly to the overall width of the dwelling. The impression of the extension as a secondary element would be reinforced by the slightly lower ridge height proposed to its roof.
6. The site is surrounded by an expansive agricultural field to the sides and rear. Within this setting, the extension would not appear excessive in size when viewed as part of the enlarged dwelling. Moreover, some 4.7 metres of the extension would extend behind the front elevation and connect with the side elevation which would ensure it would not appear detached from the main dwelling. For these reasons, I find that the proposed extension would not result in disproportionate additions over and above the size of the original building.

Creation of Separate Dwelling

7. The Council separately raises the prospect of the extension being capable of use as a separate dwelling, due to its size, separate entrance and the indicated range of accommodation. The appellant indicates that the proposal is intended to facilitate semi-independent living by a family member, and refers to the judgement in *Uttlesford DC v SSE & White [1992]* where it was held that even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling, but it would be a matter of fact and degree. It was further held that there was

no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.

8. The extension would be attached to the main dwelling with an internal link to the main kitchen/living room from the proposed extension. The appellant indicates the kitchen would be shared by all members of the household, as would curtilage and parking areas, and all utilities. The extension would contain two bedrooms and a spacious living area which could, in theory, accommodate a kitchen. However, having regard to *Uttlesford*, the possibility of this does not necessarily mean a separate planning unit would inevitably result from the development. The proposal is for an extension, not for a separate dwelling, and I am satisfied on the basis of the evidence before me that the extension is proposed for incidental use. Any subsequent creation of a separate dwelling would require a further application for planning permission, to be assessed on its own merits.

Conclusions on inappropriate development

9. I conclude that the proposal would not result in disproportionate additions over and above the size of the original dwelling and would not amount to a separate dwelling in the Green Belt. Therefore, the proposal would not be inappropriate development in the Green Belt and would accord with Policy GB4 of the ESPD and the provisions of the Framework.
10. In light of this, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. Furthermore, as the proposal does not amount to inappropriate development, there is no requirement to assess if there are other considerations that amount to very special circumstances required to justify it. Therefore, the second and fourth main issues listed above do not need to be addressed further.

Character and Appearance

11. The existing dwelling is a contemporary bungalow in red brick with concrete roof tiles. The extension would harmonise with the existing building in its materials and roof form, giving a coherent overall appearance to the building. Though it would project forward of the existing front elevation, the dwelling is set well away from its nearest neighbour and no common building line or pattern of development would be disrupted, and thus no conflict would arise with the guidance of the Extending Your Home Supplementary Planning Document (April 2006) (SPD). Moreover, the available space within the appeal site, and expansive, open agricultural field to all sides, means that the resulting dwelling would not appear excessive in scale or cramped within its site, and in any event would be largely screened from view by the trees running along both Morley Road and Acorn Way to the rear.
12. For these reasons, I conclude that the proposal would not harm the character and appearance of the area, and would accord with Policies 3 and 10 of the Erewash Core Strategy (March 2014), Saved Policies GB4 and DC2 of the ESPD and the SPD, which together require development in the Green Belt to safeguard valued countryside; not to harm its character or appearance; to protect, conserve or where appropriate, enhance landscape character; and that the scale, design and materials of proposed extensions are in keeping with the host dwelling and the surrounding area.

Other Matters

13. The Council did not make a finding of harm with respect to the effect of the proposal on the living conditions of neighbouring occupants. Given the substantial distance from the extension to the nearest dwelling, I concur that the proposal would not cause harm in this respect.

Conclusion

14. I have found above that the proposal would not be inappropriate development in the Green Belt in accordance with paragraph 145 of the Framework and Policy GB4 of the ESPD. Moreover, there would be no harm to the character and appearance of the area. Consequently, there is no conflict with the development plan or the Framework and so the appeal should succeed.
15. In addition to the standard time limit condition, a condition listing the approved plans is necessary to provide certainty, as is a condition requiring use of matching materials to ensure a satisfactory appearance. As set out above, use of the extension as a separate dwelling would require planning permission, and so a condition restricting its use is not necessary.
16. For the foregoing reasons and having regard to all other matters raised, the appeal is allowed.

K. Savage

INSPECTOR