



Appeal Decision

Site visit made on 13 July 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2020

Appeal Ref: APP/C2741/D/20/3249437

Rose Cottage, Main Street, Holtby, York YO19 5UD

- 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 Rounding against the decision of City of York Council.
 - The application Ref 19/02608/FUL, dated 6 December 2019, was refused by notice dated 9 March 2020.
 - The development proposed is first floor extension over existing ground floor.
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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 reasons for refusal relate to policies within the Publication Draft City of York Local Plan 2018 (PDLP) and the City of York Draft Development Control Local Plan 2005 (DCLP), which was approved by the Council for development management purposes. Neither of these plans have been formally adopted, I have therefore given them limited weight, in line with paragraph 48 of the Framework.

Main Issues

4. The main issues are as follows:
 - i. Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - ii. The effect of the proposal on the openness of the Green Belt; and
 - iii. If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate development

5. It is not a matter of dispute that the property the subject of this appeal is located in the York Green Belt.
6. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Under section c) of that paragraph an extension to a building will not be inappropriate provided that it would not result in disproportionate additions over and above the size of the original building.
7. The Framework defines an original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. However, it does not specify what might be a disproportionate addition over and above the size of the original building.
8. Although the dwelling is modest in size and there are larger properties within the surrounding area, the key consideration is whether the existing and proposed extensions to the original building would be disproportionate. Policy GB4 of the DCLP is relevant for extensions in the Green Belt. Amongst other matters, it only permits extensions that are small scale compared to the original design. The supporting text provides further clarification and states in general terms a planning application to extend a dwelling by more than 25% of the original footprint will be considered to be a large scale addition and resisted accordingly.
9. The Council states that the original dwelling had a footprint of approximately 44sqm and the existing property has a footprint of approximately 96sqm. The appellant disputes these figures and states that the footprint of the existing property is actually 85sqm. Even if I were to agree that the Council's footprint calculations were incorrect, the proposal the subject of this appeal would not increase the footprint of the dwelling as it is for a first floor extension over an existing ground floor. In any event, as stated in the procedural matters section above, the DCLP can only be given limited weight as it has not been formerly adopted.
10. The appellant has provided an aerial photograph dating from the 1950's. From the evidence before me, it is clear that the existing dwelling benefits from a two storey and single storey extension to the side and rear. The Council states that the scheme, along with the previous extensions, would result in the volume being over twice that of the original dwelling. The appellant has not disputed this.
11. The proposed extension, along with the existing extensions, would result in a significant increase in the scale and massing of the building compared to the original building. Based on the evidence presented, I judge that the increase in volume would result in disproportionate additions over and above the size of the original dwelling. Accordingly, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt having regard to the Framework along with Policies GB1 and GB4 of the DCLP and Policy GB1 of the PDLP.

Openness

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The appellant asserts that the development would not harm the openness of the Green Belt as it would not block any open views. Whilst there is no definition of openness, it is generally regarded as being free from inappropriate development and the counterpart of urban sprawl. It can comprise spatial and visual aspects.
13. Existing development within the area and site has impacted the openness of this section of the Green Belt. There are residential properties adjoining and opposite the appeal site. The boundary hedge screens the ground floor of the rear and western elevations of the property. The eastern elevation of the property is less well screened and is visible from Main street.
14. The proposal would have both a visual and spatial impact upon the openness of the Green Belt. The extension would be clearly evident from the highway because the scheme is for a first-floor extension and the eastern elevation is visible from Main Street. Although the majority of the mass would be located to the rear of the property, I observed on my site visit that the extension would be visible from the public footpath to the rear of the site. Furthermore, as the volume of the property would be increased, the proposal would have a spatial impact as it would add bulk, scale and mass.
15. Consequently, the scheme would increase the level of built development in this location and would also add to the cumulative bulk of the property. The development would therefore not preserve the openness of the Green Belt, albeit the additional harm to openness would be limited due to the existing built development.

Other Considerations

16. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The appellant has drawn my attention to the fact that outbuildings have been demolished and as a result the curtilage might be more open than in the past. The aerial photograph shows that there were outbuildings associated with the property. However, limited information has been submitted regarding the outbuildings. For example, whether they formed part of the original building, their size and when they were demolished. There is also a lack of evidence demonstrating that the curtilage is now more open. I therefore give limited weight to this matter.
17. The appellant considers approved developments, including extensions and new dwellings, within the local vicinity have set a precedent¹. However, I do not have full details of the circumstances that led to these proposals being approved and each application must be determined on its individual merits. In any event, I observed on my site visit that although Sycamore Cottage is visible from the public footpath, it is not conspicuous from Main Street due to being single storey and the dense boundary hedge. Similarly, the new dwellings would have been assessed differently with regard to green belt policy to the scheme before me. The appeal thus cannot be directly compared to

¹ 3/63/73/PA, 06/02071/FUL, 10/02831/FUL, 11/00585/FUL and 18/01643/FUL

these approvals. Consequently, these decisions are not a factor that weigh in favour of the proposal.

18. I understand that the extension would meet the appellants home working and family needs. The Planning Practice Guidance sets out that there may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission². Personal circumstances rarely outweigh general planning considerations as the occupants of a dwelling can change whereas the development would be permanent.
19. I have had regard to the requirements of Article 8 of the Human Rights Act 1998. However, I am mindful that the appellant's individual rights for respect for private and family life must be weighed against other factors including the wider public interest. I have found that the proposal would be inappropriate development in the Green Belt and I am satisfied that the legitimate planning policy aims, to protect the Green Belt, can only be adequately safeguarded by a refusal of permission. On balance, this course of action would be proportional in the circumstances. I consider that the dismissal of the appeal would not have a disproportionate effect on the appellant and would not lead to an unacceptable violation of the appellant's rights under Article 8. Accordingly, I attach limited weight to this matter.
20. The appellant considers that the application was not properly assessed by the Council, particularly as the Planning Committee did not visit the site. Planning Committees are not bounded to conduct a site visit and where appropriate can defer an application to conduct a site visit. Thus, from the evidence before me, the Planning Committee was satisfied that they had sufficient information to make a decision and they agreed with the Planning Officer's recommendation. I acknowledge that the Parish Council and a local Councillor supported the proposal and no objections were received. These matters have little bearing on the planning merits of the case and are given neutral weight.

Whether Very Special Circumstances Exist

21. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt. I have concluded that the development constitutes inappropriate development in the Green Belt, which carries substantial weight and additional weight is given to its harm to the openness. As cited above, the proposal conflicts with both national and local planning policy.
22. The arguments relating to the demolition of outbuildings, openness of the curtilage, personal circumstances including Article 8 of the Human Rights Act 1998 are given limited weight. Neutral weight is given to the approved developments within the area, conduct of the decision making process, lack of objections and support from the Parish Council and a local Councillor. The advanced considerations in support of the appeal whether taken individually or cumulatively, do not, on balance clearly outweigh the conflict with planning policies that seek to protect the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist.

² Paragraph: 015 Reference ID: 21a-015-20140306

Conclusion

23. For the reasons given above, the proposal would amount to 'inappropriate development' that would cause harm to the openness of the Green Belt and there are no very special circumstances to outweigh the harm caused in that respect. The development is contrary to national planning policy, along with the PDLP and DCLP. There are no material considerations to outweigh the conflict with these planning policies.
24. For all of those reasons I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

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

Kenneth Stone

INSPECTOR