
Appeal Decision

Site visit made on 14 July 2020 by Scott Britnell MSc FdA

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2020

Appeal Ref: APP/F0114/D/20/3250926

Orchard House, Ilford Lane, Hinton Charterhouse, Bath BA2 7TG

- 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 Geoff Mitchell against the decision of Bath & North East Somerset Council.
 - The application Ref 20/00207/FUL, dated 19 January 2020, was refused by notice dated 9 April 2020.
 - The development proposed is described as single storey extension to the rear of the premises. This will provide a large lounge and rear entrance lobby.
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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. I observed at my visit that works were being undertaken to erect an extension in the location of the proposal. For the avoidance of doubt, I have assessed the proposal on the basis of the drawings that were submitted.

Main Issues

4. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant policies of the Development Plan and;
 - The effect of the proposal on the openness of the Green Belt; and,
 - If the proposal is inappropriate development, whether the harm by reason of its inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify it.

Reasons for the Recommendation

Whether inappropriate development

5. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a few exceptions. These include 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.
6. Policy CP8 of the Bath and North East Somerset Core Strategy Part 1 of the Local Plan, Adopted July 2014 (CS) and Policy GB3 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy & Placemaking Plan District-wide Strategy and Policies, Placemaking Plan, Adopted July 2017 (PP) are broadly consistent with the Framework in respect of protecting Green Belt land.
7. The appeal site comprises an extended detached dwelling with detached garage set in large grounds on the south side of Ilford Lane. The proposal is for the erection of a single storey extension to the rear of the dwelling beyond the existing two storey extensions and wrapping around them on the south side. The proposed extension would have a flat roof with glass balustrading around providing a balcony that would be accessed from the main bedroom.
8. The appellant states that the proposed extension would have an area of 70 square metres. It is stated that the current size of the property is 350 square metres arranged over three floors. Whilst noting the size of the existing dwelling, national planning policy makes it clear that in terms of Green Belt policy, it is the size of the original building against which development proposals are assessed in proposals such as that before me.
9. The glossary to the Framework identifies 'original building' as a building as it existed on 1 July 1948 or if constructed after 1 July 1948, as it was originally built. The Council submit that the proposal, taken with earlier extensions granted planning permission¹ would result in a volume increase of the original building of over 68%. I note that the appellant does not dispute any of these figures.
10. Although the Framework and the development plan do not define what would constitute a disproportionate addition over and above the size of the original building, it is clear that the existing rear extension taken with the proposal would result in a substantial increase in the size of the original building. Consequently, the proposal would result in the original building being engulfed by additions.
11. I conclude that taken with previous extensions to the property, the proposed extension would result in a disproportionate addition over and above the size of the original building. Accordingly, the proposal would comprise inappropriate development in the Green Belt, in conflict with paragraph 145 c) of the Framework, CS Policy CP8 and PP Policy GB3.
12. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

¹ 09/02152/FUL. Page 3 of the Officer's report.

Openness

13. Paragraph 133 of the Framework states that 'the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.' Openness has both spatial and visual dimensions.
14. The proposal would result in the extension of the building where there is no built form at present. Moreover, while there is an existing link canopy between the north elevation of the garage and the main dwelling, the proposal would be attached to the garage on both the north and east elevations and would be enclosed. This would result in a visually larger mass of development. Collectively, these matters would result in a spatial and visual change to the property and its environs and the openness of the Green Belt would be reduced. This would be exacerbated by the use of the flat roof as a balcony area and the associated domestic paraphernalia that is likely to be placed upon it, such as tables and chairs. Although the reduction in openness would be limited and localised, it would cause harm to the Green Belt.
15. I am mindful of the appellant's comments that the proposal, due to its location and single storey height, would not be highly visible within the area. I observed at my visit the boundary treatments and general vegetation in the area that the appellant suggests would help to restrict public views of the proposal, although views are likely to be available from surrounding land. However, openness is an inherent characteristic of the Green Belt and development does not have to be publicly visible for harm to openness to occur.

Other Considerations

16. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. The appellant states that the proposal would employ quality materials and would be finished to a high standard. I also note that the Council have indicated that the proposal has been assessed against its policies regarding low carbon and sustainable credentials and that they have not objected on these grounds. However, such matters are to be expected from a development of this form and I attribute them limited weight in my assessment.
18. Given the isolated location of the appeal site, the proposal would not result in any harm to the living conditions of the occupants of the closest dwellings, which are some distance away. I also note that there is no highway safety implications arising from the proposal. The lack of harm in respect of these matters is, however, a neutral factor in my consideration of the proposal.
19. I note that the proposal is supported by the Parish Council and that no objections were received by the Council from any other third parties. While the appellant indicates that he has received verbal support from neighbours in the area, this is not documented in responses to the Council. I attribute limited weight to these matters.

20. The appellant suggests that alternative, significant works could be carried out to the dwelling under Permitted Development (PD) rights, including two storey extensions at the rear and to the side. However, I have no details before me of any alternative proposal. I am therefore unable to determine how the appeal proposal would compare to such development.
21. The appellant also refers to the various PD criteria for single storey extensions that the proposed development is considered to meet. However, the proposal before me is for development requiring planning permission and I have considered it accordingly.

Conclusion

22. The proposal would constitute inappropriate development in the Green Belt and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. I afford at most limited weight to the other considerations cited in support of the proposed development and I find that they do not clearly outweigh the harm that I have identified.
23. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal conflicts with Policy CP8 of the CS and Policy GB3 of the PP. There would also be conflict with the Green Belt aims of the Framework. There are no other considerations which outweigh this finding.
24. The Council's refusal reason also refers to Policy GB1 of the PP. However, this relates to the visual amenities of the Green Belt, which I consider to be concerned with the character and appearance of land within it. As such, it is not directly relevant to my assessment of this matter.

Recommendation

25. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR