



Appeal Decision

Site visit made on 20 July 2020 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/D0121/D/20/3254419

The Red Lodge, Abbots Leigh Road, Leigh Woods BS8 3PX

- 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 Dr Jayshree Pawade against the decision of North Somerset Council.
 - The application Ref 19/P/1783/FUH, dated 20 July 2019, was refused by notice dated 13 May 2020.
 - The development proposed is described as a dedicated extension to provide retirement accommodation linked to the existing house, The Red Lodge.
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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.

Application for Costs

3. An application for costs was made by Dr Jayshree Pawade against the decision of North Somerset Council. This application is the subject of a separate Decision.

Procedural Matters

4. There is disagreement regarding whether the extension would be attached to a separate unit - Cheriton or if this has/would be absorbed back into the main dwelling. I have assessed the proposal on the basis of the submitted plans and the lawfulness or otherwise of the buildings on the site is not before me.
5. Both parties were asked to provide information of the planning history of the site. I have taken the comments received into account in my consideration of this case.

Main Issues

6. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;

- Whether the proposal is suitable in this location;
- The effect of the proposal on the character and appearance of the area, including its effect on the Leigh Woods Conservation Area; and
- If the proposal is inappropriate development, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for Recommendation

Whether Inappropriate Development

7. Policy CS6 of the North Somerset Core Strategy (2017) (CS) and Policy DM12 of the North Somerset Development Management Policies, Sites and Policies Plan Part 1 (2016) (DM) require the Green Belt to be protected from inappropriate development and that the Green Belt will remain unchanged during the plan period.
8. Paragraph 145 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in this paragraph. Part c) of this paragraph lists the extension of a building as one such exception. The Council has assessed the proposal on this basis and so shall I, given the physical link between the two.
9. The appropriateness of an extension to a building in the Green Belt is dependent on the extension not resulting in disproportionate additions over and above the size of the original building. Guidance on what is considered disproportionate is given by DM Policy DM12, which sets out that an extension will not normally be regarded as disproportionate provided it does not exceed 50% of the gross floor area of the original building.
10. DM Policy DM12 defines an 'original building' as existing on 26 July 1985 or for buildings constructed after this date as so built. Based on the Council's definition of the 'original building' they set out that the proposed development would represent an increase of substantially less than 50% of floorspace, and in this regard there would be no conflict with DM Policy DM12.
11. However, proportionality is not only measured by floorspace and site calculations, it is also necessary to consider the form, bulk, height and overall scale of the enlarged building. Indeed, Policy DM12 states that in determining planning applications consideration will be given to *'the impact on the openness of the Green Belt for both extensions and replacement buildings and regard will be taken of the design (including bulk, height and floorspace), siting and overall scale of the development on the site.'*
12. In this regard the proposal would add a large 2 storey extension onto the building, which would increase the prominence of the dwelling in the street scene and result in built development where there is none at present. The resultant extension would project significantly in terms of the depth of the site, and whilst this would be broken up with differing levels, this substantial unbroken depth would be incongruous with the form of the host building. It would also alter the existing character of the existing Abbots Leigh Road

fronting dwelling. Even taking into account that the existing garages and a shed would be demolished to allow for the construction of the extension, and that the extension would be at a lower level than the host building, I find that the bulk and mass that would result would be such that the new extension would be disproportionate when assessed against the size of the building as it existed in July 1985.

13. Moreover, given the planning history of the appeal site which includes a number of extensions which were approved in 1973, including that occupied by Cheriton to which the extension would be attached, it is clear that having regard to the definition of 'original building' set out within the Glossary to the Framework that the appeal proposal, taken with earlier extensions to the building, would result in the original building being engulfed by extensions. The proposal would contribute to an accumulation of additions to the building which would amount to a disproportionate addition over the size of the original building when considered against the Framework's definition.
14. Given my findings above I conclude that the proposal would comprise inappropriate development in the Green Belt, in conflict with CS Policy CS6 and DM Policy DM12. Paragraph 143 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on Openness of the Green Belt

15. The Framework at paragraph 133 states that the essential characteristics of Green Belt are their openness and their permanence.
16. Whilst the appellant has provided figures showing the 'decrease in net green space' and even with the differing land levels and steps to the height of the building, I find that the height, depth and spread of the proposed extension compared with the existing situation would result in a reduction in openness of the Green Belt in this location, contrary to the aims of DM Policy DM12.
17. While the loss to openness would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Location

18. The appeal site is located within the countryside where CS Policy CS33 and Policy SA2 of the North Somerset Sites and Policies Plan - Part 2: Sites Allocation Plan (2018) (SP) seek to restrict new residential development, amongst other matters.
19. Whilst noting the Council's concerns about the nature of the accommodation proposed, there is nothing in the appellant's statement to suggest that the new extension would be occupied as an independent unit and not the retirement accommodation linked to the main house as applied for.
20. The proposed floor area of the extension complies with the limits set out within DM Policy DM43 which is not disputed. The layout of the extension indicates that the kitchen with the host building would be shared and that a bedroom, living room and garden room, along with a bathroom would be provided. Such accommodation to my mind indicates a degree of dependency to the host property and does not demonstrate that a new dwelling would result.

Furthermore, whilst the new extension would have a separate access and parking area to the host building, I see no reason why the occupation/use of the accommodation could not be controlled by an appropriately worded planning condition. It is noteworthy that the Council suggested such a condition in the event that the appeal is allowed.

21. Moreover, given the connection to the host building I see no reason why the accommodation could not be incorporated into the main dwelling once there is no longer a need for the annex, as required by DM Policy DM43.
22. Given my findings, I conclude that the proposal is suitable in this location. There would be no conflict with the aims of CS Policy CS33 or SP Policy SA2 which seek to control development in the countryside and prevent unsustainable patterns of development. There would also be no conflict with DM Policy DM43 which seeks to control the physical linkage to the host property and size of residential annexes outside settlement boundaries, or CS Policy CS1 which seeks, amongst other matters to re-use previously developed land and existing buildings in preference to the loss of green field sites.

Character and Appearance

23. The appeal site comprises of a prominent plot on the corner of Abbey Woods Road and North Road. The wider Leigh Woods settlement is generally characterised by large detached dwellings in spacious plots, of varying but generally high-quality design, set back and obscured from the highway by verdant hedges and boundary treatment. The site is located within the Leigh Woods Conservation Area (CA). No information is provided regarding the designation of the CA, but it is clear that its significance lies in the quality of its traditional dwellings and verdant, attractive setting.
24. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the guidance contained within the Framework states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and that great weight should be given to the asset's conservation.
25. The proposed development would involve the replacement of a prominent and slightly dilapidated flat roofed triple garage, which fronts and is set slightly above North Road. This structure detracts from the street scene.
26. The new extension would incorporate design features and materials of the locality. However, it would result in a large, sprawling extension to this attractive property which would not respect its scale and form. Its proximity to the highway would also result in the extension being prominent in the street scene. Whilst new indigenous planting would be added to the North Road boundary, this would take some time to mature and would be unlikely to mitigate the harm that I have identified. As a consequence, the contribution that the host property would make to the character and appearance of the area, once extended would be diminished. Harm to the character and appearance of the area would result.
27. Given my findings above, it follows that the proposal would neither preserve or enhance the character or appearance of the CA. Whilst the harm that would be

caused to the CA as a designated heritage asset would be less than substantial, paragraph 196 of the Framework makes it clear that this should be weighed against the public benefits of the proposal.

28. In this regard whilst I acknowledge that the proposal would result in additional accommodation for family members, this is largely a private matter and benefit. The removal of the existing dilapidated garage structure is a benefit to the street scene, as would be the additional landscaping proposed, however these do not amount to public benefits which outweigh the harm identified to the significance of the CA as a heritage asset, to which I attach great weight as required by paragraph 193 of the Framework.
29. I conclude therefore that the proposed development would detract from the character and appearance of the area as a whole, including the CA. There are no public benefits which outweigh the harm to the designated heritage asset. The proposal therefore conflicts with CS Policies CS5 and CS12 and DM Policies DM3, DM32 and DM38 and to the North Somerset Residential Design Guide Supplementary Planning Document, which, along with the Framework, collectively set out that great weight is afforded to the conservation of designated heritage assets and the historic built environment, and that developments are sensitive to local character.

Other Considerations

30. The Framework advises 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, such as in this case, the harm identified to the character and appearance of the existing property and wider area, is clearly outweighed by other considerations.
31. The appellant points to various fall-back positions possible under permitted development rights. Given the lack of detail for these developments, I cannot give them any weight or indeed compare their impact on the Green Belt, with the proposal before me.
32. I acknowledge that no issue is raised regarding neighbour amenity or ecology, and I have no reason to disagree with the Council in this respect. In addition, it is stated that the building would be constructed to reduce carbon emissions. However, these matters carry neutral weight because this lack of harm would be expected of any well-designed development.
33. Finally, I have of course appreciation of the appellant's personal circumstances and desire for accommodation close by to the extended family unit for support. However, it is unlikely that the proposal is the only solution to provide such accommodation. This factor carries limited weight in the scheme's favour.
34. I note that letters of support have been received in relation to the scheme as well as letters of objection. I have taken these into account in reaching my recommendation, but they do not change my overall conclusion.
35. I note that the appellant has sought to address the Council's concerns in respect of the proposal and that the scheme was amended during the course of the application. Whilst a relationship between the local planning authority and applicants is encouraged, this matter carries neutral weight in my consideration of this case.

Conclusion

36. The appeal proposal would constitute inappropriate development in the Green Belt. Further harm would be caused as a result of loss of openness. These matters attract substantial weight. The other considerations advanced at most carry limited weight. They do not clearly outweigh the harm the proposed development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Recommendation

37. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

38. 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