



Appeal Decision

Site visit made on 17 August 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: 7 September 2020

Appeal Ref: APP/C2741/D/20/3250990

Town House, Moor End, Acaster Malbis, York YO23 2UQ

- 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 Richard Skipsey against the decision of City of York Council.
 - The application Ref 19/02473/FUL, dated 20 November 2019, was refused by notice dated 16 March 2020.
 - The development proposed was originally described as a 'small 2 storey extension on the side of our house. The downstairs will be a utility room (adjacent to our kitchen). Upstairs will be a dressing room (adjacent to our bedroom). The external measurements of the proposed extension are as follows: length: 2.67 metres, width: 4.50 metres, height to eaves: 5.49 metres, height to the highest point of the roof: 8.29 metres'.
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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 control purposes. Neither of these plans have been formally adopted, I have therefore given them limited weight, in line with paragraph 48 of the National Planning Policy Framework (the 'Framework').

Main Issues

4. The main issues are:
 - i. Whether the proposal is inappropriate development in the Green Belt for the purposes of 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

Whether inappropriate development

5. It is not a matter of dispute that the appeal property is located in the York Green Belt. 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.
6. 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. 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 that in general terms a planning application to extend a dwelling by more than 25% of the original footprint would be considered a large scale addition and resisted accordingly.
7. The two main parties agree that the appeal property has been previously extended but disagree to what extent. The Council state that the original dwelling had a single storey projection, which has been replaced, and had a footprint in the region of 80 square metres. They have calculated that the current dwelling has a footprint of 121sqm. Thus, the Council consider that the existing two-storey extension has already increased the original footprint by over 50% and this represents a disproportionate addition. The scheme would further increase the footprint of the dwelling by 12sqm.
8. Contrary to the Officer's Report, the appellant highlights that the Council verbally agreed that the previous extension has not increased the original footprint by around 50%. The appellant considers that the Council did not have regard to the kitchen/ pantry, attached buildings and a garage when calculating the size of the original building. In contrast to the Council's figure, they have calculated that the footprint of the current building, including the existing extension, represents a 15.5% increase compared to the original dwelling. The appellant therefore states that the proposed extension would increase the current footprint by 12%, and 27.5% compared to the original building. They have submitted drawings to support their stance.
9. In any event, even if I were to conclude that the appellant's calculations are correct, the scheme would conflict with Policy GB4 of the DCLP as the extension would result in the footprint of the original dwelling increasing by more than 25%. However, as set out in the procedural matters section above, the DCLP can only be given limited weight as it has not been formerly adopted. Nonetheless, it still provides a reasonable benchmark to assess the proportionality of the proposed extension.
10. The Framework refers to disproportionate additions over and above the size of the original building. Size is more than footprint but reflects the mass and bulk of the building taking account of the three dimensional increase.

11. The floorplan drawing, showing the dwelling prior to the two-storey extension, illustrates that the kitchen/ pantry, attached outbuildings and garage were all single storey. Although I have not been provided elevation drawings or volume calculations, based on the evidence before me, the large existing two-storey rear extension has significantly increased the scale and massing of the building.
12. Although modest in size, the proposed two-storey extension would further increase the scale and massing of the dwelling compared to the original building. I also noted on my site visit that there is an outbuilding adjacent to the property. The appellant's calculations do not appear to include the outbuilding which would further increase the footprint.
13. For these reasons, I conclude the proposal would result in a disproportionate addition over and above the size of the original building because of the increase in footprint and volume.
14. Consequently, 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

15. Paragraph 133 of the Framework states that 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.
16. The scheme would have both a visual and spatial impact upon the openness of the Green Belt. To the east of the appeal site are residential dwellings which vary in scale. When viewed from Moor End, the ground floor of the extension would be largely screened by the boundary wall and solid gates, when they are closed. The first floor would be conspicuous from the highway as a result of its bulk and height. To the rear are open flat fields and the boundary treatment is low. Thus, given the massing of the extension, it would also be visible from the wider surrounding area. The extension would also result in an erosion of space where there are currently no buildings.
17. Accordingly, the proposed extension would increase the level of built development and would also add to the cumulative bulk of the dwelling. The development would therefore not preserve the openness of the Green Belt, albeit the additional harm to openness would be limited due to the size of the extension compared to the existing built development.

Other Considerations

18. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. There are no other considerations advanced in support of the proposal.

Conclusion and Recommendation

19. 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 Policies GB1 and GB4 of the DCLP and Policy GB1 of the PDLP as well as the Framework. The appellant has not put forward any other considerations in support of the scheme.

20. Consequently, the very special circumstances necessary to justify the development do not exist and therefore for the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

21. 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