



Appeal Decision

Site visit made on 30 June 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2020

Appeal Ref: APP/E2734/D/20/3252186

62 Bogs Lane, Harrogate HG1 4EB

- 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 Gareth Holman against the decision of Harrogate Borough Council.
 - The application Ref: 20/00756/FUL, dated 25 February 2020, was refused by notice dated 27 April 2020.
 - The development proposed is described as: Extension to dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the area; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and that amounts to the very special circumstances necessary to justify the development.

Reasons

Whether the proposed development is inappropriate in the Green Belt

3. The appeal building is a detached dwelling house within a large plot and is set well back from the highway of Bogs Lane, behind a row of dwellings fronting the highway. It is a single storey dwelling with additional living accommodation within the roof space. The appeal proposal would extend the property to the side, with the extension also projecting beyond the line of the existing rear wall of the building. Additional accommodation would also be provided within the new roof space. It is common ground that the appeal building is within the Green Belt.

4. Policy GS4 of the Harrogate District Local Plan 2020 (the Local Plan) states that proposals for development in the Green Belt will be determined in accordance with relevant national policy. The National Planning Policy Framework (the Framework) sets out that inappropriate development within the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also establishes that new buildings in the Green Belt are inappropriate development unless, among other things, it involves the extension or alteration of a building. This is provided that it does not result in disproportionate additions over and above the original building.
5. Assessing proportionality is primarily an objective test based on size. In determining whether or not extensions will be disproportionate, the starting point is the size of the original building. There is no evidence that would indicate that the appeal building has been extended previously. The appellant states that the existing house has a footprint of 107m² and that the proposed extension would add a further 86m², amounting to an 80% increase in the footprint of the house. The Framework does not set out what might be considered a disproportionate addition to a building, nor is there any guidance in respect of this in Local Plan Policy GS4. However, the Council's House Extensions and Garages Design Guide Supplementary Planning Document 2005 (the SPD) sets out that in Green Belts house extensions that extend the ground floor area of the original house by more than 50% will not normally be permitted unless there is an exceptional household need. Although the SPD pre-dates both the Local Plan and the Framework, there is no suggestion from either party that this document is out of date or superseded. It is not argued that there is a specific and exceptional household need for the proposed extension and the appeal proposal would, therefore, conflict with the guidance in the SPD.
6. The appeal proposal would amount to a significant increase in the size of the dwelling both in terms of floorspace and volume. I have noted the appellant's point in respect of the potential to increase the footprint of the dwelling by 144m², or 135%, using permitted development rights. Although a diagram is provided in the appellant's evidence, this does not include dimensions and, consequently, I cannot verify whether the suggested figure is correct. Whilst I accept that, theoretically, there is the ability to extend the dwelling under permitted development rights, I do not have sufficiently particular information on the nature of the suggested alternative operations to enable the necessary comparison with the appeal proposal to be made. As a result, I can give little weight to this point.
7. This notwithstanding, it is not in dispute that the appeal proposals would increase the footprint of the house by 80%. This significantly exceeds the 50% increase to the ground floor area which the SPD states would be acceptable within the Green Belt. Within this context and given the substantial increase in both floor area and volume that would result from the appeal proposal, I find that the proposed extensions would amount to disproportionate additions over and above the size of the original building. The proposal would, therefore, be inappropriate development in the Green Belt.

The effect of the proposal on the openness of the Green Belt.

8. The appeal building is located just beyond the built up area of Harrogate in a small area of countryside between Knaresborough and Harrogate with the

wooded valley of the River Nidd to the north. Immediately adjoining the curtilage of the appeal building there are fields to the north, east and west. There is an area of open land to the south between the appeal building and the highway. The surrounding countryside consists of a patchwork of small fields with hedgerow boundaries. To the east of the appeal site there is a small group of low buildings and to the west a larger group of more substantial buildings associated with Henshaws College. A row of dwellings fronts the north side of Bogs Lane from its junction with the A59 to just before the access to the appeal site.

9. The proposed extensions would inevitably reduce the openness of the Green Belt simply by creating built form where there was none previously. However, this must be seen in the light of the fact that there is an existing house present on the appeal site and that the proposed development would take place wholly within an existing residential curtilage. The relative proximity of the appeal site to the existing houses on Bogs Lane and other buildings within the Green Belt to the north of Bogs Lane also results in this part of the Green Belt having a less open character than elsewhere. Within this context, although the proposed extensions are large in comparison to the existing house, overall, the spatial and visual effect on the openness of the Green Belt would be minimal and would result in only a very small amount of harm to the openness of the Green Belt.

Character and appearance

10. Local Plan Policy HP3 expects new development to protect, enhance or reinforce those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments. Policy HS8 seeks to ensure, among other matters, that extensions to dwelling houses do not have an adverse effect on the character or appearance of the dwelling or the surrounding area. The immediately surrounding area has a range of building styles, sizes and ages, with a diversity of materials, and includes both bungalows and two storey houses. The SPD advises that in most cases the extension must appear subservient to the original house and the extension should be smaller in width, depth and height than the existing property.
11. Whilst I have previously found that the proposed extensions would represent a disproportionate addition to the building for the purposes of applying the Green Belt policies in the Local Plan and the Framework, this is a different policy test to the requirements of Policy H3, as it relates to the effect of the proposal on the Green Belt and the purposes of including land within it, whereas Policy H3 is concerned with design.
12. The appeal building is somewhat remote from the other houses in the area being set back from the highway of Bogs Lane by approximately 80 metres. The existing building has a relatively simple form and massing which would be fundamentally altered by the size of the proposed extensions. The current form and massing of the appeal building would be lost as a result of the proposed development. However, beyond the increase in physical size, the Council officer's report does not elaborate on why the proposed extensions do not result in a satisfactory architectural composition or what characteristics of the building and surrounding area would be harmed by the proposal. The appeal building is not listed, nor is the appeal site within a conservation area. Although the existing house is simple in style and has a certain design

consistency, it does not have any notable architectural features and, due to its age, it does not exhibit any characteristics of the typical vernacular architecture of the wider area.

13. The appeal proposal would result in a dwelling that has an essentially symmetrical front façade with a central gable feature, and a projecting rear wing, creating an L-shaped plan form. The appeal building has a relatively large curtilage, comparable to or larger than other residential properties in the vicinity, and there is no evidence before me that would indicate or demonstrate that the proposal is an inherently poor design. From what I saw when I visited the site, the design of the proposed extension would not be inconsistent with other building types, styles, and sizes nearby. The SPD advises that, in most cases, extensions should be subordinate to the original house. However, the wording used is not prescriptive and in this case the appeal building is a detached house, set away from other buildings and not directly forming part of a group or street scene.
14. As a result of being set far back from the road and the screening effect of both the roadside hedgerow along Bogs Lane and tree planting within the site there would be only limited visibility of the proposed extensions from the public highway and from the rear of the existing houses on Bogs Lane. Whilst there is a Public Right of Way footpath that runs to the north of the appeal site, this is beyond a hedgerow field boundary and separated from the site by the length of an intervening field. Consequently, there would be restricted views of the proposed development from this footpath.
15. I therefore find that the proposed development would not cause harm to the character and appearance of the area and would not conflict with the requirements of Local Plan Policy HP3 or the general requirements of the SPD.

Other considerations

16. The appellant states that there is a fallback position whereby larger extensions than those proposed could be constructed using permitted development rights. As set out above, there is insufficient information in the evidence to determine whether any possible extensions would be either larger, or more harmful to the Green Belt, than the appeal proposal. In addition to this, in order for a fallback position to be a material consideration, there must be a greater than theoretical possibility that the development might take place¹. There is no substantive evidence before me that it is the intention of the appellant to proceed with such extensions in the event that the appeal is unsuccessful. Consequently, I can give little weight to this.
17. I have also noted the appellant's points in relation to the current situation in respect of Covid 19 and the need to spend greater amounts of time at home. Whilst this is currently relevant, there is no substantive evidence that the current situation will persist or become permanent. Although the appellant and his family might wish to have additional living accommodation, I have no evidence that would indicate that there are any medical, employment, or other personal circumstances that would necessitate the size or form of the extensions proposed. Again, I can give little weight to these points.

¹ Raffaele Gambone v Secretary of State for Communities and Local Government v Wolverhampton City Council [2014] EWHC 952 (Admin)

Conclusion on Green Belt matters

18. I have found that the proposed development would be inappropriate development which is, by definition, harmful to the Green Belt. Added to this is the very small amount of harm that would be caused to the openness of the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. I therefore attach substantial weight to the harm arising from the inappropriate nature of the proposed development and to the harm to openness.
19. I give moderate weight to the fact that the proposed development would not cause harm to the character and appearance of the area. I have also noted that the Council have not raised any other technical objections to the proposal in terms of highway safety, or the effect on the living conditions of the occupiers of nearby properties, which would also weigh moderately in favour of the proposal. For the reasons set out above, little weight can be given to the fact that it may be possible to extend the dwelling using permitted development rights or to the wish of the appellant for additional living space. However, none of these factors, either individually or collectively, would clearly outweigh the substantial weight that is required to be given to the harm to the Green Belt by reason of inappropriateness and loss of openness. These other considerations cannot, therefore, amount to the very special circumstances necessary to justify inappropriate development in the Green Belt.
20. I therefore conclude that the proposed development is inappropriate development in the Green Belt and that there are no very special circumstances that would warrant granting planning permission. It would not comply with the relevant requirements of Policy GS4 of the Local Plan or the Framework.

Conclusion

21. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the appeal proposal would amount to inappropriate development in the Green Belt and that there are no very special circumstances that would warrant granting planning permission. The proposal would therefore not comply with an important, relevant, policy in an up to date development plan or with national policy that seeks to protect designated Green Belts. Due to this conflict with the development plan and the requirements of the Framework, the appeal must fail notwithstanding that I have found no harm to the character and appearance of the area, or that the proposal may comply with the development plan in other respects.
22. I therefore conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR