
Appeal Decision

Site visit made on 25 August 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020.

Appeal Ref: APP/W0530/D/20/3250109

1 Gog Magog Cottages, Haverhill Road, Stapleford, Cambridge CB22 5FX

- 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 Mrs Kay Brown against the decision of South Cambridgeshire District Council.
 - The application Ref S/3562/19/FL, dated 13 October 2019, was refused by notice dated 3 January 2020.
 - The development proposed is two storey side extension, single storey front porch and a one storey annex extension to the North West side.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Inappropriate development in the Green Belt

3. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development. Exceptions to this include 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. Policies NH/9 and H/13 of the South Cambridgeshire Local Plan (SCLP)(2018) reflect national policy in this regard.
4. The Framework defines the 'original building' as that which existed on 1 July 1948 or, if constructed after this date, as it was originally built. The SCLP adopts the same definition. The host dwelling was originally constructed prior

to this date but has been subject to a number of extensions and alterations since that time. The question is not therefore whether the proposal would result in disproportionate extensions in relation to the current size of the dwelling, but as it was on 1 July 1948.

5. The Council has indicated that the development would result in an 143% increase in size in comparison to the original dwelling. It is unclear whether this relates to footprint, floorspace or the volume of the building. The appellant disputes this figure and argues that the development would add no more than 5% to the volume of the dwelling. Again, it is unclear whether this relates to the house as it is, the original dwelling as defined above, or the building as a proportion of the dwelling's curtilage.
6. In this regard, the appellant has referred me to parts of the General Permitted Development Order (GPDO), which sets out the limitations on permitted development rights. There is no suggestion in the appellant's statement that the proposal constitutes permitted development under these provisions. In any event, such an issue would be outside the scope of this appeal, which is being considered under section 78 of the Town and Country Planning Act (1990). The provisions of the GPDO relate to permitted development only. They are not therefore directly relevant to this appeal, nor in my view can they be considered determinative in relation to whether cumulative alterations would be disproportionate for the purposes of Green Belt policy.
7. The appellant has also indicated that the development would result in a small increase in built form as a proportion of the curtilage of their property. While I shall return to this below, this has no bearing on whether the development meets the exceptions in the Framework. The exception is confined to the increase in the size of the building only.
8. Neither party has provided any definitive evidence which indicates the original size of the building, or the alterations that have already been made. However, the nature of some of the changes made are reasonably clear to discern. It is therefore obvious that some of the existing extensions would be removed, replaced by the proposal or subsumed within the changes made. However, the development would still result in a significant increase in size over and above what currently exists.
9. This would be particularly the case to the rear, where the existing irregular building line would be 'squared off' and extended into the garden. This would increase the depth of the building by between 2.3 metres and 5.7 metres along its width. The works to the rear would also lead to an increase in height across part of the original building, with the creation of a two storey gable feature at one end. There would also be a large box dormer that would extend across much of the resulting roof slope. Even accounting for the replacement of existing alterations, the changes proposed to the rear would constitute a substantial increase to the size of the original building.
10. To the front, the porch would extend the footprint by just under 2 metres. There would also be a new two storey gable feature, mirroring that on the right-hand side of the dwelling. This would add an additional storey and project partially into the space taken up by the existing garage. Although the existing chimney would be removed, a new central dormer would be introduced. These changes would also therefore add to the size of the original dwelling, over and above the alterations already carried out.

11. The existing garage would be removed and replaced by a detached structure a short distance from the main dwelling. Although detached, it would represent a normal domestic adjunct and can be considered as an extension. The new garage would be similar in size to what is currently in place. Nevertheless, the existing garage already forms an addition to the original house. Accordingly, the replacement garage also has to be taken into account when considering whether the cumulative alterations would be disproportionate.
12. The proposed annex would project from the side of the house by around 6.5 metres. This would not represent a replacement of any existing part of the dwelling and would thus constitute a sizeable addition to the original building in its own right.
13. There is no definition of what should be considered disproportionate in either the Framework or SCLP. It is therefore a matter of judgement based on the particular circumstances of any case. The existing alterations have already led to a substantial increase in the size of the original dwelling. Even accounting for features that would be replaced or subsumed, it is clear that the proposal would represent a further substantial increase in the size of the building as it currently stands. Although there is dispute and a lack of clarity about the statistics provided by both parties, the scale of increase suggested by the Council's figures appears the more realistic indicator. However, I have based my conclusion on the entirety of the evidence provided and my own observations of the site. Based on these, I must conclude that the cumulative increase in footprint, floorspace and volume, would result in a disproportionate increase in the size of the original dwelling.
14. This would conflict with SCLP policies NH/9 and H/13 and would not meet any of the exceptions set out in paragraph 145 of the Framework. Accordingly, the proposal would constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. I shall return to this matter below.

Effect on openness

15. 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.' This is largely reflected in SCLP Policy NH/8 which states that development should not have an adverse impact on the rural character and openness of the Green Belt. Openness has both a spatial and visual dimension. However, it is important to note that the visual effect on 'openness' is a different issue to any impact there might be on the character and appearance of an area.
16. The footprint of the dwelling would extend into areas which are currently largely open and undeveloped parts of the amenity space. Therefore, there would be new built form where none currently exists. The increase in footprint, height and bulk of the dwelling would therefore have an inevitable, albeit relatively limited, effect on the spatial dimension of openness.
17. The increase in scale to the side and rear would be visible from the public footpath which runs adjacent to the site. However, such views would most likely be glimpsed above the tall fence and fleeting in nature. The alterations to

the front of the house would be mainly visible to neighbours using the private road, or from some distance away on Haverhill Road. From such vantage points, there would still be a high degree of screening which would limit the visual impact. Therefore, while there would be some impact on the visual dimension of openness, this would be relatively self-contained.

18. The development would therefore result in a limited degree of harm to the openness of the Green Belt. Nonetheless, this would still result in some conflict with aspects of Policy NH/8. This adds to the harm caused by reason of inappropriateness.

Other considerations

19. The Council does not object to the design of the development or its impact on character and appearance. I have seen nothing that would lead me to a different conclusion. Although larger, it would be no taller than at present, and the design and detailing would be sympathetic to the local area. As such, I see no conflict with SCLP Policy HQ/1, which deals with general design issues, rather than the specifics of the Green Belt. Nevertheless, while there may be some overall aesthetic improvements, these would not result in significant benefits to local character.
20. The existing building is made up of clearly distinct elements of different heights and materials. This may be the result of piecemeal alterations over time. There is a high degree of articulation in the building and some components, such as the rear box dormer, are less complementary than others. However, this results in no particular harm to the character or appearance of the area. The site is well screened and relatively self-enclosed. Notwithstanding the appellant's concerns, the overall character of the existing dwelling remains generally in-keeping with its surroundings. Accordingly, I have given only moderate weight to the change in appearance.
21. The curtilage of the site and extent of the appellant's ownership is large. The increase in the overall built form as a proportion of the curtilage would not be significant. Nevertheless, the Green Belt exception relates to the size of the dwelling, not the effect on curtilage. I have considered the general effect on the landscape and environment above. This factor does not carry any additional weight in my view.
22. The appellant has indicated that the development would improve living conditions, provide space for their extended family and help alleviate pressure on local housing sites and care facilities. The development would also allow the appellant to remain in the dwelling in the long term. I understand the wishes of the appellant to stay in the dwelling and provide additional space. However, personal circumstances such as these rarely outweigh general planning considerations. The effect of the development could remain long after the personal circumstances no longer apply.
23. The appellant has suggested that any growing family with dependents would be faced with the same issues and the need for improvements are not personal to them. However, there is nothing to suggest that the dwelling does not provide an acceptable standard of accommodation or that it is necessary to carry out the works to meet the needs of any and all future occupants. Furthermore, there is nothing to suggest that improvements to living conditions could not be

made in a less harmful manner. I have therefore given these matters moderate weight.

24. The development would provide an opportunity to improve the energy efficiency and the sustainability credentials of the dwelling. This would be through the introduction of PV tiles and replacement of an inefficient oil-fired heating system. However, it is not clear why these improvements are predicated on the development taking place, or why similar benefits could not be achieved without the associated harm to the Green Belt. This factor provides only limited weight in favour of the proposal.
25. Other than those considered above, the Council has raised no other concerns about the development. While this is put forward as a benefit by the appellant, a lack of harm is neutral and weighs neither for nor against the development.

Other matters

26. The appellant has raised concerns over the way the Council dealt with the application. This includes the length of time discussing the proposal during pre-application, the level of communication during consideration of the application and the claim that the Council indicated permission would be forthcoming. However, such matters are between the appellant and the Council and are outside the scope of the appeal. I have considered the appeal on its own merits based on the evidence before me and my own observations of the site.
27. The appellant has also drawn my attention to other dwellings in the row that have been subject to significant alterations. I have not been provided with the details of these developments, or the circumstances in which they may have been approved. As such, I cannot conclude with any certainty that they are directly comparable to the proposal before me or that the Council has been inconsistent in its decision-making. These examples do not therefore add weight in favour of the development.

Planning Balance and Conclusion

28. The Government attaches great importance to the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness.
29. Balanced against that are the other considerations discussed above. However, even when considered together, these do not clearly outweigh the harm that would be caused to the Green Belt. As a result, the very special circumstances necessary to justify the development do not exist. Consequently, the proposed development would conflict with policies NH/9 and H/13 of the SCLP and the requirements of the Framework.
30. The development would not accord with the development plan and there are no material considerations to outweigh that finding. Therefore, for the reasons given above, the appeal is dismissed.

S J Lee

INSPECTOR

