



Appeal Decision

Site visit made on 14 December 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/C2741/D/20/3259708

Woodlands Cottage, Maypole Grove, Naburn, York YO19 4RY

- 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 Alistair Skelton (JSA Design and Development) against the decision of City of York Council.
 - The application Ref 20/00233/FUL, dated 4 February 2020, was refused by notice dated 27 July 2020.
 - The development proposed is single storey rear extension with balcony adjacent to existing extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension with balcony adjacent to existing extension at Woodlands Cottage, Maypole Grove, Naburn, York YO19 4RY in accordance with the terms of the application, Ref 20/00233/FUL, dated 4 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan (JSA58 LP); site plan (JSA58-03); existing floor plans (JSA58-01); existing elevations (JSA58-02) and proposed plan & elevations (JSA58-04).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The Publication Draft Local Plan (PDLP) was submitted for examination in 2018 but in June 2020 by letter the Inspectors conducting the examination into the PDLP raised serious concerns regarding elements of the Council's approach to the Green Belt. Naburn was previously a 'washed over' settlement in the Green Belt (GB) by virtue of the 2005 Draft Local Plan, for which the Framework no longer makes provision for, but was proposed to be included within the GB in the PDLP.
3. The extent of the GB around York is set out in policies Y1(C1) and YH9(C) of the Yorkshire and Humber Plan (YHP) Regional Spatial Strategy as being 'about

6 miles from York city centre'. Whilst the provisions of the PDLP carry limited weight, it is not a matter of dispute that the appeal site lies within the GB as defined by the YHP and it is clear that both parties have approached this matter on that basis. The Government's current approach to development in the GB is set out in the National Planning Policy Framework (the Framework).

Main Issues

4. The main issues are:

- Whether the proposed development is inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
- The character and appearance of the appeal property; and
- if inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

Reasons

5. The Framework states that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. Any harm to the GB should be given substantial weight and 'very special circumstances' will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
6. Paragraph 145 of the Framework states that the construction of new buildings within the GB is inappropriate development. However, it lists certain forms of development which are not regarded as inappropriate. This includes 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. Although the Framework does not define 'disproportionate', it does define what constitutes the original building.

Inappropriate Development

7. Policy GB1 of the PDLP identifies the limited extension of existing buildings as one of the purposes that will be granted provided three main criteria are met ((i) to (iii)) whilst policy GB4 of the Development Control Local Plan¹ (GBLP) refers to small scale extension 'compared to the original dwelling'. The supporting text goes on to state that 'in general terms' an extension of more than 25%² will be considered to be a large scale addition and will be 'resisted accordingly'.
8. Although the parties do not agree on the exact extent to which the appeal property has been added to (in percentage terms), there is no dispute that it has been extended and that those extensions are more than the 25% figure

¹ Adopted by the Council for development management purposes in April 2005

² As measured in terms of footprint area

referred to in DCLP policy GB4's supporting text. The parties are also in broad agreement regarding the property's more recent planning history, whilst the Council have not provided any evidence that would lead me to doubt the appellant's summary of the building's earlier planning history and its origins.

9. The proposed extension would replace a smaller bay window with a square-plan footprint and would be located on what the appellant's planning history indicates was the original element of the building. Although not of excessive scale of itself, it would combine with the existing rear two storey extension to occupy the majority of the rear elevation of that element of the building. The respective calculations vary between the increase being in the region of the 52%³ and 'close to doubling' the floor area of the house and more than double its size as measured by volume. Both clearly exceed the guideline figure set out in DCLP policy GB4 supporting text.
10. It is clear that the appeal property has previously been substantially extended, whether the appellant's figure of increase or that of the Council is adopted. Taken in combination with previous extensions and additions, the appeal proposal would result in disproportionate additions over and above the size of the original building. As such, the proposal is contrary to DCLP policy GB4 and does not benefit from the exception set out at Framework paragraph 145(c). It is therefore inappropriate development in the GB.

Openness and Green Belt purposes

11. A fundamental aim of Green Belt policy, as set out at Framework paragraph 133, is to keep land permanently open. Openness has both a spatial and visual aspect. The proposed extension would be located to the rear of Woodlands Cottage in the angle formed by the main building and a previous two storey rear extension. It would replace an existing, smaller, bay window and part of the patio area immediately at the rear of the appeal property and would not project any further than the existing, larger, two storey extension. Furthermore, at only a single storey, it would also be considerably lower than both that element of the building and the main house.
12. The appeal property's rear garden is relatively enclosed, and the proposed extension would not be visible from beyond the site's boundaries. Within the rear garden are various domestic garden structures such as patio walls, arbours, trellises and sheds. The appeal proposal is larger than the bay window which it would replace and, as such, would reduce openness around the rear of Woodlands Cottage in spatial terms.
13. In visual terms, the impact on openness would be less clear cut. The extension would be located in, and infill the angle of, the rear elevation and the existing rear extension. It would stand on an area of existing patio, whilst round it, as described above, are various items existing domestic residential paraphernalia and garden structures. The proposal would not, in visual terms, materially reduce openness.
14. The Council's description of Naburn as having a rural feel, created in part by grass verges at various points across the village, is entirely accurate. These, in turn, create a sense of openness and open nature at those points. Whilst generally true, it does not hold for the village in its entirety. The area of the

³ Appellant's Grounds of Appeal paragraph 3.7 : 52.36%

village around Front Street, Main Street and Maypole Grove have a tighter grain, with houses sited close to the narrow village lanes, small front gardens and an intimate feel. Properties on Maypole Grove, whilst enjoying front gardens, do not project any great sense of openness, the grain still being tight. Although the generous rear gardens of the appeal site and its immediate neighbours open out to fields at the rear, I am not persuaded that the prevailing character or nature of this part of Naburn is of openness or an open nature. The proposed extension would not compromise what limited openness may be perceived in this part of Naburn, nor would it adversely affect the more open nature of other parts of the village.

15. However, taking all of these factors together, I conclude that the proposal would result in a loss of openness, albeit that the effect would be limited. Nevertheless, openness is an essential characteristic of the GB and the proposal would erode openness of the GB in the terms described above. Whilst the proposal would not compromise the five purposes of the GB, I am required to give substantial weight to harm, albeit limited, that would arise from the impact on openness.

Character and appearance

16. Although the Council's reason for refusal relates to the scale of the proposed extension relative to the original building, this is expressed in terms of Green Belt considerations rather than in terms of harm to the character and appearance of the appeal property itself. The Council's officer report confirms that the proposed extension is considered to be in accordance with the guidance set out in the 'House Extensions and Alterations' Supplementary Planning Document.
17. I have not been presented with any further evidence that seeks to argue a harmful effect on the character and appearance of the appeal property nor, from my observations during my visit to the site, do I find reason to conclude otherwise. There would therefore be no harm to the character and appearance of the appeal property, or to that of the surrounding area, and there would be no conflict with DCLP policy GB4.

Other considerations

18. The prospect of a fallback position providing the appellant with an alternative rear extension without the need for planning permission was considered by the Council. There was no dispute that the property retained permitted development rights and I have no further reasons or evidence before me to lead me to a different conclusion. In response to the Council's comments, a revised permitted development fallback position has been submitted with the appeal and it is this that I turn to below.
19. The appellant's description of the evolution of the appeal property leads me to conclude that the indicated permitted development fallback scheme submitted with the appeal would avoid the issues raised by the Council as set out in their officer report. The net result of the scheme possible under permitted development would be a larger and more intrusive extension than the appeal proposal and, as one which would stand apart from the existing two storey rear outrigger, would also result in a fragmented and less cohesive rear elevation than the appeal proposal would achieve. It would also, because of its

considerably larger scale, have a far greater impact, visually and spatially, on openness than the appeal proposal.

20. However, having regard to the test for a fallback position to be considered, I am satisfied that the fallback scheme would provide a similar, if larger, form of extension to that proposed in the appeal scheme. As such, and having considered the appellant's submissions, I am satisfied that it is a material consideration to which I am able to give considerable weight.
21. The proposal is located within a reasonably sized village. For some time a washed over GB settlement, the Council has, it has been shown by the appellant, previously adopted a more pragmatic, flexible and permissive approach to domestic extensions within Naburn. However, the principle of washed over settlements is not carried over within the current Framework and the Council have applied, correctly, the relevant GB tests set out in the Framework. I can understand the appellant's frustration in this respect. However, whilst I accept that certain areas of the village are green, spacious and have an open nature, the tighter grain and development pattern around Front Street, Main Street and Maypole Grove is not reflective of that character. The proposal would not compromise the five purposes of GB designation nor would it, whilst reducing GB openness by an albeit limited extent, result in urban sprawl the prevention of which the Framework identifies is the fundamental aim of GB policy through keeping land permanently open.

Planning Balance

22. The proposal is inappropriate development within the Green Belt which would also erode GB openness, albeit that the effect on openness would be limited. These are instances of harm however to which I am required to give substantial weight. However, I am satisfied that there is a more than merely theoretical prospect of the fallback scheme occurring and that it would provide the appellant with a form and layout of extension broadly similar to that of the appeal proposal. It would, however, do so in a manner that would have a greater impact on GB openness than the appeal proposal and be likely to result in a visually less cohesive form at the rear of the property. The presence of a fallback scheme, which would be likely to result in greater harm, is therefore a matter to which I give substantial weight.
23. I also give the considerable weight to the conclusion that the proposal would otherwise not harm or compromise the five purposes of the GB as set out in the Framework or result in urban sprawl. The proposed extension would not result in harm to character and appearance, or to the living conditions of occupiers of neighbouring properties, but the absence of harm in these respects would be neutral and weigh neither in favour nor against the proposal.
24. For these reasons, I am satisfied that other considerations as outlined above are sufficient, in this instance, to clearly outweigh the substantial weight given to the harm arising from inappropriate development and the effect on GB openness. These amount to the very special circumstances necessary to justify the proposal.

Conditions

25. I have considered the Council's list of suggested conditions in light of the Framework and Planning Practice Guidance. I agree that time limit and plans

conditions are necessary in order to provide certainty and in the interests of good planning. A materials condition is necessary in the interests of character and appearance.

Conclusion

26. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR