



Appeal Decision

Site visit made on 24 November 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2021

Appeal Ref: APP/R1038/D/20/3260486

Haydene Cottage, Middle Hanley, Sheffield S21 5RY

- 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 Robert Gray against the decision of North East Derbyshire District Council.
 - The application Ref 20/00465/FLH, dated 3 June 2020, was refused by notice dated 22 July 2020.
 - The development proposed is the erection of two storey side extension utilising attic space with a single storey rear extension.
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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.

Preliminary Matters

3. Notwithstanding the description of development set out above, which is taken from the planning application form, it is clear from the plans and accompanying details that the description offered by both the Council and appellant of *"Construction of a two-storey side extension with car port utilising attic space, a single storey rear extension, a detached garage and a glasshouse"* in the decision notice and respective appeal forms more accurately describes the appeal. The Council dealt with the proposal on this basis and so shall I, given it does not appear to be in dispute between the parties.
4. I have been referred to policies in the emerging North East Derbyshire Local Plan 2014-2034 (the ELP). I am advised that the ELP is shortly due to move to its main modifications consultation. However, the ELP remains subject to further consultation and possible amendment. I therefore afford its policies limited weight. I have determined the appeal on the basis of the adopted North East Derbyshire Local Plan 2005 (the LP).

Main Issues

5. The main issues are as follows:

- whether the proposal 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 proposal on the openness of the Green Belt;
- the effect of the proposal on the living conditions of occupiers of Wheelwright House, with regard to privacy; and
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. The appeal site comprises a semi-detached, stone-built dwelling with garden areas to the front and rear and off-street parking to the side. The proposal involves the construction of a two-storey side extension with front and rear dormer windows and a car port at ground level, a single-storey rear extension, a detached glass house and a detached garage.
7. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that the construction of new buildings in the Green Belt is inappropriate unless it meets one of seven specified exceptions. This includes where they involve an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building as set out in paragraph 145c.
8. The Framework does not define what constitutes a disproportionate addition, which is a matter of planning judgement. In this case, notwithstanding the removal of a small existing rear extension, the Council have calculated the proposed side and rear extensions to equate to more than 80% increase over the original volume of the property. I note this calculation is not disputed and from all I have seen and read, I have no reason to disagree with it. Accordingly, these elements constitute a disproportionate addition to the original building and do not fall within the exception set out in paragraph 145c.
9. The appellant refers to the judgment in *Sevenoaks District Council v SSE and Dawe [1997]* which established that a proposed new outbuilding in the Green Belt can potentially be regarded as an extension to a dwelling. However, this is fundamentally a matter of judgement, based on the specific circumstances involved in each case.
10. In this case, although both the proposed garage and glass house would be sited within the curtilage of the main dwelling both would be set well away from the dwelling, 30m in the case of the garage, with a clear visual separation. Both buildings would also be of considerable scale. Accordingly, the two proposed outbuildings are not considered as extensions to the dwelling,

but rather constitute new buildings. Moreover, the outbuildings would not meet any of the exceptions outlined in paragraph 145.

11. I therefore find the proposal is inappropriate development in the Green Belt and would conflict with the Framework. In accordance with the paragraph 143 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

12. Paragraph 133 of the Framework states that a 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.
13. The proposal would introduce substantial mass and bulk to the side and rear of the dwelling, as well as a loss of space in the garden in the form of outbuildings to the rear. As a result of the increase in built form, the proposal would harm the openness of the Green Belt in spatial terms. Similarly, given that the side extension would be visible from Lightwood Road and other homes in the vicinity, it would have a harmful effect on openness in visual terms. As the proposal would affect only a small part of the Green Belt, its effect in terms of openness would be limited.

Living conditions of occupiers of Wheelwright House

14. The two storey-side extension would project close to the boundary with Wheelwright House which is offset at 90 degrees with its rear elevation facing the side of the appeal property. The boundary is lined by large, mature trees.
15. While there would be no new openings to the side elevation of the two-storey extension, there would be windows at second floor level to the front and rear where none exist at present. Given the orientation of the two properties, there would be significant overlooking of garden areas and habitable rooms to the rear of Wheelwright House from the proposed rear dormer, albeit obliquely, resulting in reduced privacy for occupiers of that property. I note the contention the existing hedgerow on the shared boundary would screen overlooking of Wheelwright House. However, this hedge could be removed at any time. Indeed, I observed on the site visit that the hedge had been significantly cut back on the appeal property side of the boundary, leaving the rear of Wheelwright House readily visible from ground level.
16. Accordingly, the proposal would harm the living conditions of occupiers of Wheelwright House due to overlooking from the proposed side extension. This would be contrary to Policy H5 of the LP, which states extensions to dwellings should avoid significant loss of privacy and amenity for the residents of neighbouring properties.

Other considerations

17. The Framework states 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, is clearly outweighed by other considerations.

18. I did note on the site visit there are other properties in the area which have been extended, most notably the adjoining property. While I have been provided with a copy of the approved plans, these appear to date from March 2002. This development therefore significantly predates the Framework and current Green Belt guidance therein and the current adopted LP policies.
19. The Council has not objected to the proposal in terms of its visual appearance and I acknowledge that it may rebalance the volume of the two properties as a pair. However, whilst the increase in volume may provide enhanced living accommodation for the appellant, there would be no appreciable visual or public benefit from the development given that the visual appearance of the pair would remain unbalanced. Accordingly, this matter carries limited weight in favour of the proposal.
20. The appellant has indicated that the proposed garage and glass house could be constructed under permitted development rights set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 if they were moved further away from the boundary of the property. However, any outbuildings built as permitted development would be subject to certain conditions and, as the appellant points out, limits in terms of their height. There are no plans before me to demonstrate how an alternative scheme might be set out and the garage would require a significant reduction in its height of over 800mm. Moreover, there is nothing before me to suggest that there is an intention to construct an alternative proposal in this manner.
21. I acknowledge that, if it was slightly lower in height, the single-storey rear extension may be permitted development. However, an application for prior approval has not been made and there is no guarantee of its success. Accordingly, this limits the weight I can give to the potential fallback position.

Very Special Circumstances and Conclusion

22. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. I have found that the proposal would be inappropriate development in the Green Belt and that it would be harmful to the openness of the Green Belt. These matters carry substantial weight.
23. In addition, the proposal would harm the living conditions of occupiers of Wheelwright House for the reasons set out. This matter carries significant weight.
24. For the above reasons the material considerations cited in support of the proposal carry limited weight, considered both individually and cumulatively, and therefore they do not outweigh the totality of the harm the scheme would cause. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
25. As such the proposal would conflict with Green Belt policy as set out in Policy GS2 of the LP and paragraphs 143 - 145 of the Framework.

Recommendation

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

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR