



Appeal Decision

Site Visit made on 15 December 2020

by R Sabu BA(Hons), BArch, MA, PgDip RIBA ARB

an Inspector appointed by the Secretary of State

Decision date: 13th January 2021

Appeal Ref: APP/P0240/W/20/3258395

Copperfields, Dickens Lane, Tilsworth LU7 9PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Molyneaux against Central Bedfordshire Council.
 - The application Ref CB/20/01916/FULL, is dated 6 June 2020.
 - The development proposed is 2-storey to garage block, roof extension and loft conversion to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for 2-storey to garage block, roof extension and loft conversion to dwelling at Copperfields, Dickens Lane, Tilsworth, LU7 9PX in accordance with the terms of the application, Ref CB/20/01916/FULL, dated 6 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: JJ20-CF 001 REV C and JJ20-CF 002.
 - 3) The external materials to be used in the construction of the extensions hereby permitted shall match those used in the respective existing buildings in colour, type and texture.

Application for costs

2. An application for costs was made by Mr Molyneaux against Central Bedfordshire Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Drawing JJ20-CF 001 Rev C was sent to the Council at a late stage in the application process and was submitted as part of the appeal. While statutory consultees would not have had an opportunity to comment on the drawing, since there would not be a substantial difference in the scheme, the development would not be so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. I have therefore had regard to this drawing in my assessment of the proposal.

Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (Framework).

Reasons

5. The appeal site is situated in the Green Belt. Paragraphs 143 and 145 of the Framework indicate that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. 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 is one of the listed exceptions.
6. The term 'disproportionate' is not defined in the Framework. However, the Central Bedfordshire Design Guide September 2014 states, with regard to Extensions to Dwellings within the Green Belt, that, as a guiding principle, in order to be considered as proportionate the original building should not be added to by more than 60%.
7. The proposed roof extension and loft conversion of the dwelling would increase the volume and floorspace of the dwelling by a small amount such that the additions to the original building would be significantly less than that advised in the DG. From the evidence before me, there have not been any other extensions to this building since its erection. The roof would be raised by a limited amount compared to overall height of the host building and while the floorspace would be increased, the footprint of the building would not be altered. As such, the increase in overall size of the building in terms of volume and external dimensions would not be disproportional to the original building. Therefore, this part of the proposed development would not be inappropriate development in the Green Belt.
8. The proposal also includes a two-storey extension to the garage building. While the garage was erected after the dwelling, since is clearly separated from the dwelling by several metres, it does not constitute an extension to the dwelling, rather a separate outbuilding. I have therefore considered the proposed increase in the size of the garage as an extension of the garage, rather than an extension of the dwelling.
9. The volume and floorspace of the garage would be increased by an amount significantly lower than the 60% advised in the DG. The footprint of the building would be increased by a modest amount compared with the host building and the proposed ridge height would match the existing garage. Therefore, since the garage has not been previously extended, the overall size of the proposed two storey extension would not be a disproportionate extension to the original building.
10. Consequently, the proposal would not be inappropriate development in the Green Belt having regard to the Framework. Since the extensions meet the exception stated in paragraph 145(c) of the Framework, a consideration of openness is not necessary.

Other Matters

11. I note the concerns of neighbouring occupiers with regard to privacy. Since the proposed roof lights of the roof extension to the dwelling would be angled upwards inline with the roof pitch and given the significant distance between the properties, the proposal would not result in undue overlooking to the neighbouring properties to the rear and sides of the site.

Conditions

12. The standard conditions relating to commencement of development and specifying plans are necessary in the interests of certainty. A condition relating to external materials is necessary to safeguard the character and appearance of the area.
13. Since the proposed extension would have smaller dimensions than the qualifying parking space dimensions set out in the DG the garage would not constitute a parking space. In addition, the minimum required number of spaces for both the existing and proposed development are identical. From the evidence before me and my observations during the site visit, the site has capacity for three parking spaces as required by the DG. As such, the condition relating to the use of the garage is not necessary.

Conclusion

14. While the Council has not cited any adopted development plan policies, the Framework carries great weight as a material consideration. The lack of Green Belt harm identified through reliance on the Framework constitutes a material consideration of significant weight given the absence of any stated conflict with adopted policy.
15. For the reason given above, the appeal should be allowed subject to conditions.

R Sabu

INSPECTOR