



Appeal Decision

Site Visit made on 9 February 2021

by Rachel Walmsley MSc, MA, BSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/P0240/D/20/3263936

2 Lords Close, Stanbridge, LU7 9JB

- 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 R Morrisey against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/02570/FULL, dated 24 July 2020, was refused by notice dated 16 September 2020.
 - The development proposed is part two storey, part single storey side extension, single storey rear extension, dormer window, internal alterations and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. These 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 and if the development is inappropriate, 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 required to justify the proposal.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. National policy on development in the Green Belt is set out in the National Planning Policy Framework ('the Framework'), which advises that the essential characteristics of Green Belts are their openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist. Most new development should be regarded as inappropriate, but for certain defined exceptions.
4. Paragraph 145 of the Framework lists exceptions to inappropriate development within the Green Belt and in doing so states that any extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of 'disproportionate additions' within the Framework. Annex 2 of the Framework defines an "original building" as a building as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally.

5. The Council's approach to extensions to buildings within the Green Belt is set out in policy H13 of the Local Plan (2004). Paragraph 213 of the Framework provides that policies in the Local Plan should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. As it stands, policy H13 is consistent with the aims of the Framework, that of ensuring that the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building. I therefore attach weight to this policy. The emerging development plan is not at an advanced stage and so any implications this may have for Green Belt policy carries no weight in my decision.
6. From all that I have seen before me, I consider the original building to comprise a ground floor gross external area of 61.6sqm and a first floor of 47.5sqm. The loft conversion was not part of the dwelling when it was first built and therefore is not included within the 'original building' calculations. On this basis the development proposed would result in a 68% increase in floorspace which exceeds the Council's recommended standard of 60%.
7. Policy H13 is as much about a quantitative assessment as a qualitative one. Policy H8 to which policy H13 refers seeks extensions to dwellings that relate well to the existing building in terms of design, character and appearance. The development extends in multiple directions and maximises on the space available to do so. As a result, the development would appear overly dominant and therefore disproportionate to the existing house. Therefore, the proposal would not meet the exception within paragraph 145 of the Framework and as a result would be inappropriate development in the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Effect on openness of the Green Belt

8. The Framework states that "the 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." It has been established that openness has both a spatial and visual aspect.
9. By increasing the footprint and massing of the building, the proposal would reduce the Green Belt's openness. Visually, a proportion of the development would be seen from the street, occupying an important gap between buildings. The development would, therefore, be a notable extension of the existing building and would detract from the openness of the Green Belt. This harm to the Green Belt arising from loss of openness would be moderate.

Other considerations and very special circumstances

10. When determining applications, the Framework advises 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, or any other harm resulting from the proposal, is clearly outweighed by other considerations.
11. The appellant has permission to extend the appeal property, under the applications CB/20/00540/FULL and CB/20/02004/GPDE. Both applications could be implemented and so this fallback position is a material consideration. Implementing both permissions would increase the floorspace of the original

building by 71%. This is more than that proposed under the appeal proposal, albeit the difference is marginal.

12. The other main difference between the appeal proposal and the fallback is the form of the single storey rear extension and its relationship to the neighbouring property, No 1 Lords Close. The Council raised no concern for the effect of a rear extension on living conditions and therefore the benefit of a shorter extension on the shared boundary is immaterial. All in all, the fallback carries moderate weight.
13. I note that no objection was raised by the Council to matters including highway safety, amenity and character and appearance. These matters carry limited weight.
14. I have concluded that the development would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would be harmful to the openness of the Green Belt. Substantial weight must be given to these harms.
15. The 'other considerations' in this case carry limited weight in favour of the proposal and therefore do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As a result, the proposal does not accord with policy H13 of the Local Plan (2004) and Green Belt policies as outlined in the Framework.

Conclusion

16. For the reasons given above, I conclude that the appeal is dismissed.

R Walmsley

INSPECTOR