



Appeal Decision

Site visit made on 9 March 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2021

Appeal Ref: APP/E2340/D/20/3265147

Brookside, Skipton New Road, Foulridge BB8 7NN

- 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 Jennifer Petty against the decision of Pendle Borough Council.
 - The application Ref 20/0614/FUL, dated 14 September 2020, was refused by notice dated 12 November 2020.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt. Accordingly, I consider that the main issues are:
 - Whether or not the proposal would be inappropriate development within 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 proposed extension on the character and appearance of the host building and the area; and
 - If the proposal would be inappropriate development, whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

3. Brookside is a two storey semi-detached dwelling, located in the Green Belt south-east of Foulridge and outside the settlement boundary. The appeal site is in an elevated position some way to the east of Skipton New Road, from which it is separated by a field. Several other dwellings, all also within the Green Belt, are situated south and south west of Brookside. The properties are connected to Skipton New Road by a narrow lane (public footpath 13-12-FP 25) then a private road. A farm access track which is also a public footpath (13-12-FP 26) passes immediately to the north of the appeal site. To the north and east of the site is open countryside. The proposal is to erect a flat-roofed, single storey

extension to the side of the dwelling to provide a double garage, games room and study, with a balcony/terrace above.

Whether or not inappropriate development in the Green Belt

4. The Government attaches great importance to Green Belts. 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 specific circumstances, while Paragraph 145 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 145(c), is "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", the relevant definition of "original" in this case being the building as it existed on 1 July 1948.
5. By the appellant's calculations, the proposed development would result in the the original building having been extended by around 47% from its 1948 volume (including basement) of 847.03m³. This is based on an existing post-1948 extension measuring 173.86m³ and the proposed extension measuring 309.69m³, giving a total volume for extensions of 483.55m³. The appellant has then deducted 81.42m³ representing the volume of a detached garage which it is proposed would be demolished. The garage was constructed after 1948, and sits in the north east corner of the site so is not in any way connected to the dwelling. I recognise that in some circumstances an ancillary domestic outbuilding which is physically separated from the main dwelling can be regarded as part of the main dwelling, but whether it should be or not is a matter of fact and degree in each case. In this case, there is nothing in the evidence to explain why the garage should be considered as part of the dwelling, and in my view it should therefore be excluded from calculations relating to the volume of the original building. This would mean that the proposed development would in fact result in the volume of the original building having been extended by rather more than the 47% suggested by the appellant.
6. The Framework does not specify either in relative or absolute terms what might be a disproportionate addition, nor have I been referred to such figures in the Council's development plan policies or Supplementary Planning Documents ("SPDs"). Based on my experience elsewhere, an increase in volume of 33% to 40% would typically mark the threshold beyond which an extension would be likely to be considered "disproportionate", though of course this is rarely a hard and fast rule. However, even taking the appellant's figure of 47%, which as I have explained above understates the extent of the increase, the proposed development would lead to the volume of the original building having been expanded by a significant amount. Looking beyond measurements of volume, the proposed extension would occupy garden space at the side of the dwelling. The cumulative effect of the existing side extension and that now proposed would be to more than double the width of the original building. The proposal would therefore represent a substantial alteration to, and expansion of, the original form of the appeal property.
7. Whether taken terms of volume, or the effect on the appearance of the dwelling, I therefore consider that the proposed extension would represent a disproportionate addition over and above the original building. Consequently, it

would not fall within the exception described in Paragraph 145(c) of the Framework, and would be inappropriate development in the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance as required by Paragraph 144 of the Framework.

Openness of the Green Belt

8. A fundamental aim of Green Belt policy, set out Paragraph 133 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site.
9. The proposed extension would significantly increase the amount of built form on the appeal site, which would only slightly be offset by the demolition of the detached garage (which in my view it *is* appropriate to account for in this respect). It would therefore reduce the spatial openness of the Green Belt. The additional width of the extended property would also be seen in public views into and across the appeal site. From Skipton New Road and the access road (footpath 13-12-FP 25) the impact would be limited somewhat by the lie of the land and nearby trees. However, from the farm track at the side of the appeal site (footpath 13-12-FP 26), and whether from the front or rear, the extension would be a reasonably prominent addition to the landscape, and so would also reduce the visual openness of the Green Belt.
10. Overall there would be a harmful loss of openness of the Green Belt. While this would be small in the context of the Green Belt as a whole, once again the Framework is clear that substantial weight should be given to any harm to the Green Belt. The proposal would also conflict with Policy ENV2 of the 2015 Pendle Local Plan Core Strategy ("the Core Strategy"), which requires that development proposals should "maintain the openness of the Green Belt" and is consistent with the Framework in this regard.

Character and appearance

11. The Council's 2009 Design Principles SPD advises that extensions and garages should not be dominant in size or design, and that the roof design of extensions should follow that of the original dwelling. Both breadth and depth of the proposed extension would be a little over 10m and, as I have described above in paragraphs 6 and 9, the considerable cumulative width of the existing and proposed extensions would be out of keeping with the scale of the host building. In my view the size of the extension would result in it somewhat dominating the host property, which would become unbalanced as a consequence.
12. The extension would have a large area of flat roof, which would be incongruous when considered alongside the host building and other nearby dwellings, which overwhelmingly have pitched roofs. This would not be mitigated by the appellant's intention that it should be used as a raised terrace. The extension would be somewhat visible in longer-range views, and prominent in close-up views from the track passing the appeal site.

13. The appellant has drawn my attention to the attached neighbouring dwelling Cressington, which has a wider side extension than Brookside at present, giving the building as a whole a slightly unbalanced appearance when seen from the access lane off Skipton New Road or from the public footpath passing the appeal site. However, the proposed extension to Brookside would result in it being wider than Cressington, so rather than creating balance in the pair, as the appellant has argued, it would instead simply result in an imbalance in the other direction. The presence of the side extension on Cressington does not therefore justify, or weigh in favour of, the proposal for Brookside.
14. I conclude that the proposed extension, through its size and scale, and by being at odds with the design and style of Brookside, would be harmful to the character and appearance of the host building and the wider area. The proposal would therefore conflict with Policy ENV2 of the Core Strategy, which seeks to deliver high quality design which contributes to the sense of place and reflects local identity and character. It would also conflict with the requirements of the Framework in this respect, in particular Paragraph 127 which seeks to achieve well-designed places which are sympathetic to local character.

Other considerations

15. The appellant has drawn my attention to two further extensions which have been proposed to the neighbouring dwelling Cressington in recent years and for which the Council has granted planning permission in recent years. It is the appellant's view that in permitting those extensions to Cressington but refusing the current proposed extension to the appeal property the Council has been unreasonable. I do not know the full details of either scheme, although was provided with the decision notice, Council officer report and floorplans and elevations for both as part of the appellant's evidence.
16. Planning permission was granted in 2017 for a two-storey side extension with first floor balcony (LPA ref: 17/0092/HHO). It would be built above and alongside the existing side extension, infilling a small space at the front and, although set slightly behind the main front elevation, would nonetheless be a reasonably prominent addition to Cressington. However, the Council's officer report indicates that the development would result in the volume of Cressington having been extended by 28%. I also note from the elevations that the form and massing of the extension would be in keeping with its host building.
17. The more recent planning permission is for a first-floor extension with Juliet balcony, and dates from 2019 (LPA ref: 19/0596/HHO). The floorplans and officer report indicate that this proposal would not expand the built footprint of Brookside at all. Although the alterations to the first-floor bedroom and roof would increase the built volume of Cressington, the elevations suggest that this would be by a small amount, and it has not been quantified in the Council's officer report.
18. It appears to me that because of the proposed layouts it would not be possible to implement both schemes at Cressington, although neither had been built at the time of my site visit. Taking the larger scheme (the 2017 permission), while it would be a taller extension, it would not be either as wide or as deep as the proposal now before me. The 28% by which the volume of Cressington would be increased is significantly less than the amount by which the current proposal would extend Brookside, and this presumably contributed to the

Council's conclusions that the extensions proposed for Cressington would not be disproportionate. The permitted extensions at Cressington therefore carry very little weight in favour of the current proposal for Brookside.

19. The proposed extension would be acceptable in terms of its effects on neighbours' living conditions, and as the appeal property would retain ample car parking and turning space there would be no negative effects on highway safety. A lack of harm in these respects is a neutral matter in the overall balance.

Planning Balance and Conclusion

20. The proposal would be inappropriate development in the Green Belt, and would cause significant harm to the openness of the Green Belt, conflicting with Policy ENV2 of the Core Strategy which seeks to protect the openness of the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 144 of the Framework. In addition, while it would be neutral in terms of its effects on highway safety and neighbours' living conditions, the extension would also be significantly harmful to the character and appearance of the host building and surrounding area. I have also considered and weighed the matters in the scheme's favour which have been put to me by the appellant.
21. The Council acknowledges that it cannot demonstrate a 5-year supply of deliverable housing sites. However, Paragraph 11 and Footnote 6 of the Framework are clear that the "tilted balance" in favour of "sustainable development" is not engaged if the application of policies in the Framework to protect areas of particular importance provides a clear reason for refusing the development proposed. These areas include land designated as Green Belt, and in this case, the harm to the Green Belt which I have identified provides a clear reason for refusing the proposal. The "tilted balance" is therefore not engaged.
22. I conclude that the substantial weight to be given to the Green Belt harm, and the other identified harm above, arising from the development is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector