

Appeal Decision

Site visit made on 8 June 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/W4705/D/21/3274462

9 Greenhill Drive, Micklethwaite, Bingley BD16 3HT

- 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 James Healey against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/00558/HOU, dated 4 February 2021, was refused by notice dated 31 March 2021.
 - The development proposed is single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The submitted location and site plans show an area of land at the rear of the property beyond the existing stone wall within the application site boundary. Although shown on these plans and referred to in written submissions as an area of additional garden space, neither the planning application form nor the decision notice make reference to a proposed change of use of this land to residential garden land. Nor can I be certain of the planning status of this area of land shown within the application site boundary. I have therefore determined the appeal on the basis for which planning permission was sought, namely as it was described on the initial planning application form.

Main Issues

3. The main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The living conditions of occupiers of neighbouring properties, with particular regard to outlook and daylight / sunlight; and
 - If inappropriate development, whether any 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

Whether inappropriate

4. The National Planning Policy Framework (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.
5. Paragraph 145 of the Framework states that the construction of new buildings within the GB is inappropriate development. However, it goes on to set out a range of exceptions which are not regarded as inappropriate. This list 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.
6. The Framework does not define what constitutes 'disproportionate' or what parameters should be used to assess the size of the original building but the Council's 'Householder Supplementary Planning Document' seeks to do so¹. It states that *'where proposals result in an addition of over 30% of the original cubic volume they are likely to be considered disproportionate'*.
7. The proposed extension would wrap around the rear, and part of the side, elevation of the appeal property. With a rearward projection in the region of 6 metres and an overall width of just over 8.7 metres, the proposed extension would be a substantial addition to the rear of the property. The Council estimate it to result in an almost doubling of the existing building's footprint which, although not quantified with an exact figure, has not been challenged by the appellant.
8. From my observation of the proposed plans and the existing property, the Council's estimate in this respect does not seem to me to be unreasonable. However, the SPD refers only to 'cubic volume' as a means to assess whether or not a proposal would be disproportionate, not footprint, and neither party has referred to the proposal's volumetric calculations.
9. Nevertheless, the Framework's reference to 'size' is a broad term and the resulting overall size increase should be considered in terms of volume and external dimensions, as well as considering floorspace. The extension's significant rearward projection, substantial width and wrap-around design are all factors which lead me to conclude that the proposal would amount to a disproportionate addition over and above the size of the original building. Furthermore, despite the proposed extension's single storey scale and hipped roof design, the extensive and bulky roof structure is a further significant factor contributing to its overall size and adds further weight to my conclusion that what is proposed amounts to a disproportionate addition over and above the original building.
10. For these reasons, the proposed extension is inappropriate development in the Green Belt which the Framework states is, by definition, harmful to the Green Belt. Any harm to the Green Belt should be given substantial weight and such development should be not be approved except in very special circumstances.

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Openness

11. The appeal property backs on to rising land, the field immediately to the rear rising towards a wooded ridge. At the time of my visit to the site, the rearward extent of the rear garden was marked by a stone wall. Although not widely visible from Greenhill Drive, the rear of the property and rear garden are visible in views from the entrance to Thornfield Mews, a short distance to the north, across open fields. The proposed extension would also be visible in views from this point.
12. Although the proposed extension would not project beyond the existing rear garden wall, it would occupy a sizeable proportion of the existing rear garden area. It would be clearly visible across the intervening field from Thornfield Mews and would be a significant rearward extension from the existing house, even in the context of neighbouring properties which have either been extended at the rear more modestly, or which have domestic outbuildings within their gardens. As such, I conclude that the proposal would result in a moderately harmful effect on the openness of the Green Belt.

Living conditions

13. The rear of the appeal property faces in a broadly easterly direction. This means that the proposed extension would be located roughly due north of the rear elevation of the adjoining half of the semi-detached property. Despite the 6 metre long flank elevation and substantial, albeit hipped, roof structure, I consider it unlikely that the proposal would have a significant impact on levels of daylight or sunlight received at No. 11.
14. However, the length of the flank elevation would nevertheless present a substantial and imposing elevation towards No. 11. Moreover, this flank elevation would extend to almost the entire length of No. 11's rear garden area. The existing hedge between the properties would mitigate the physical impact of the proposal's overall rearward projection to a degree, but neither the hedge nor the extension's limited inset from the plot boundary, would satisfactorily address the harmful impact that the proposal would have upon outlook from the rear of the adjoining property or the degree of dominance over No. 11 that would arise from its scale and bulk. In this respect, the proposal would be contrary to the aims of Bradford Core Strategy (BCS) policy DS5 which states that in making a positive contribution to people's lives through high quality design, proposals should not harm the amenities of existing residents.
15. Having carefully considered the relationship between the proposed extension and the neighbouring property at No. 7, particularly their orientation and difference in levels, I am satisfied that the proposed extension would not cause material harm to the outlook from, or daylight / sunlight receive by, the rear of No. 7. With regard to privacy and overlooking, it is noted that there are no windows proposed on either of the extension's flank elevations. Although a first floor window would be added on the main building's gable elevation, the specified opaque glazing could be secured by condition. I am satisfied, as were the Council, that there would not be any overlooking or loss of privacy which would otherwise be harmful to the amenities and living conditions of occupiers of neighbouring properties. The absence of material harm in these respects are however neutral factors and weigh neither in support of, nor against, the proposals.

Other considerations

16. It is claimed by the appellant that the proposed development falls within the scope of permitted development for larger home extensions². This allows for the erection of rear single storey extensions of up to 8 metres for detached dwellings or, as in this instance, of up to 6 metres in the case of any other dwelling.
17. However, the scope of permitted development is dependent upon a range of factors as set out within the Regulations. Whilst the appellant has stated that the proposed development is within the scope of these Regulations, the reference to extensions of up to 6 metres is just one factor in determining whether a proposal would benefit from being permitted development. In any event, within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (as amended) it is not within my remit to formally consider whether or not the proposal falls within the scope of the Regulations². I therefore give this matter as a potential fallback position only limited weight as a consequence.

Green Belt Balance and Conclusion

18. The proposal would be inappropriate development in the Green Belt and would result in a moderate loss of Green Belt openness. In failing to preserve Green Belt openness, the proposal would be contrary to saved policy GB1 of the Replacement Unitary Development Plan and BCS policy SC7. Framework paragraph 144 states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. In addition to the Green Belt harm identified above, the proposal would also cause material harm to the living conditions of occupiers of the neighbouring property at No. 11 in terms of its impact upon the outlook from the rear of that property. This would be contrary to BCS policy DS5. I accept that the proposed extension would be unlikely to result in a harmful impact in terms of daylight and sunlight to No. 11, to outlook in terms of No. 7 and privacy in relation to both. These are, however, neutral factors and neither weigh in support of, nor against, the proposal and do not overcome the harm I have identified in relation to living conditions.
20. I have carefully considered the appellant's claim that the proposal is within the scope of the larger home extension permitted development regulations. However, I have no evidence before me to confirm that to be the case and, in any event, such matters do not fall to me to consider within the scope of an appeal under section 78 of the Act to determine the lawfulness of proposed development. To that end, it is open to the appellant to apply for a determination under sections 191/192 of the Act and my determination of this appeal under s78 does not affect the issuing of a determination under s191/192. Consequently, this matter attracts only limited weight in support of the proposal.
21. My attention has also been drawn to recent developments approved by the Council opposite the appeal site and also within the Green Belt which I was

² Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)

able to view during my visit to the appeal site. I do not, however, have the details of the schemes before me that the Council had and I have, in any event, determined the appeal on the basis of the available evidence.

22. Thus, having carefully considered these matters, I conclude that the harm I have identified is not clearly outweighed by other considerations, either individually or collectively. As such, the very special circumstances required to outweigh the Green Belt, and other, harm do not therefore exist. Consequently, the very special circumstances necessary to justify the inappropriate Green Belt development do not exist
23. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR