



Appeal Decision

Site Visit made on 25 May 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2021

Appeal Ref: APP/P0119/W/21/3271428

44 Willsbridge Hill, Willsbridge, BRISTOL, BS30 6EY

- 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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr F Francis against South Gloucestershire Council.
- The application Ref P20/14440/RVC is dated 7 August 2020.
- The application sought planning permission for the erection of 1no. dwelling with associated works (Variation to extant permission PK18/4594/F) (Retrospective) without complying with conditions attached to planning permission Ref P20/5304/F, dated 6 July 2020.
- The conditions in dispute are Nos 1 and 4 which state that:
(1) *Development shall proceed strictly in accordance with the plans identified below:*

Site location plan - 1555-E-001 rev A

Proposed block plan showing access, parking, residential curtilage created and building to be removed - 1555-P-010 rev C

Both received by the Council on 5/5/2020

Proposed ground floor plan- 1555-P-100B received 1/4/2020

Proposed West elevation 1555-P-201 received 1/4/2020

Proposed North elevation 1555-P-202 received 1/4/2020

Proposed East elevation 1555-P-203 received 1/4/2020

Proposed South elevation 1555-P-200 received 21/3/2020

Proposed roof plan 1555-P-200 rev A received 21/3/2020

- (4) *The roof shape shall be reduced to strictly accord with the approved proposed plans prior to first occupation of the dwelling.*

- The reasons given for the conditions are:

- (1) *To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.*

- (4) *The site is in the Green Belt where only limited development is appropriate. The unauthorised roof is considered to harm the green belt and as such the alteration is required to strictly accord with the approved plans in a timely manner and to accord with policy PSP7 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017, policy CS5 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and the NPPF.*

Decision

1. The appeal is dismissed and planning permission for the erection of 1no. dwelling with associated works (Variation to extant permission PK18/4594/F) (Retrospective) without complying with conditions attached to planning permission Ref P20/5304/F is refused.

Main Issues

2. The main issues are
 - (i) whether the conditions are necessary and reasonable, having regard to whether the proposal is inappropriate development in the Green Belt, including its effect on openness, and
 - (ii) 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 necessary to justify the development.

Reasons

Background

3. There have been planning permissions previously granted on the appeal site. Those relevant are the conversion of an existing building to holiday let accommodation (PK15/3321/F), the demolition of an existing building and the erection of a dwelling (PK18/4594/F) and retrospective planning permission for the erection of a dwelling (P20/05304/F).

Green Belt

4. As set out above, planning permission has previously been granted for the erection of a dwelling at the site. From the evidence before me, the first of these permissions (PK18/4594/F) was considered acceptable on the basis that the development would comprise limited infilling or the partial or complete redevelopment of previously developed land, that would not have a greater impact on the openness of the Green Belt than the existing development. It was concluded that there would be no adverse effect on openness at the time of the consideration of this scheme due to the proposed removal of an existing building that was adjacent to the site. This permission allowed the construction of a bungalow with a hipped, pyramidal roof, together with a hipped roof projecting over a rear element, creating an L-shaped property. This rear roof was set down below the height of the main roof.
5. Subsequent to this, a further planning permission (20/05304/F) was granted for the retention of an as-built structure. This permission once again referred to a bungalow, however the proposed floorplan and roof was amended from that approved previously. The property had a rectangular footprint, as opposed to the previous L-shape. The roof was amended to integrate the rear projecting element into the hipped main roof, and a flat roof proposed over the additional area of floorspace. The Officer's Report for this subsequent permission highlights that the proposal was not significantly larger than the extant permission (PK18/4594/F), but that there was a 30 cubic metre increase in volume.
6. The appeal scheme now proposes a further amendment to the approved roof of the property. I observed at my site visit that the amended roof has been constructed. Rather than the main hipped, projecting rear roof and element of flat roof, there is now a single hipped roof over the entire footprint of the property. This results in

the roof having an increased mass due to the subservient projecting element, as well as the flat roof portion, being subsumed into the larger overall roof.

7. As a consequence of this proposed change, the roof planes of the dwelling, particularly to the sides, appear substantially larger and more imposing than those previously approved, in that they would lack any visual relief from their extent. While there are limited viewpoints of the building from the public realm, I observed that there were glimpses available at nearby access points along the road. While these may only allow fleeting views of the building, they do nevertheless allow the increased massing of the property to be visible. As a result, there is a small loss of the visual openness of the Green Belt at this location. The increase in the massing of the roof also results in a small loss of openness in spatial terms.
8. The retention of the larger roof would result in an increased quantum of built development within the site, over and above that which was permitted. Should the roof be retained as constructed, the openness of the Green Belt would be diminished. Consequently, the scheme for the new building on the site would have been inappropriate development had it not been for the previous, differently shaped roof. The conditions, to ensure that the development is carried out in accordance with the approved plans as well as requiring the roof to be amended to that previously approved, are therefore necessary and reasonable in order to ensure that the development preserves openness and thus remains not inappropriate.

Other considerations

9. I acknowledge that there is an extant planning permission for a dwelling on the site.

Green Belt Balance and Conclusion

10. The proposal would be inappropriate development in the Green Belt due to its further diminution of openness, and the Framework establishes that substantial weight should be given to any harm to the Green Belt.
11. Whilst I acknowledge the existence of planning permission on the site, the proposed scheme would increase the bulk and massing of the dwelling. The impact on the openness of the Green Belt would therefore be greater than that which would result from the extant scheme. As such, the existence of this extant permission is not sufficient to comprise the very special circumstances necessary to justify the development. Therefore, the proposal conflicts with policies CS5 and CS34 of the South Gloucestershire Local Plan – Core Strategy (adopted 2013) and policy PSP7 of the South Gloucestershire Local Plan – Policies, Sites and Places Plan (adopted 2017), insofar as they seek to prevent inappropriate development in the Green Belt.
12. For the reasons given above and having regard to all matters raised, I conclude that the disputed conditions are necessary and reasonable such that the appeal should be dismissed.

Martin Allen

INSPECTOR