



Appeal Decision

Site Visit made on 20 July 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2021

Appeal Ref: APP/E2734/D/21/3273831

Southcote, 10 Grosvenor Gardens, Huby LS17 0ED

- 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 D Wallis against the decision of Harrogate Borough Council.
 - The application Ref 20/05023/FUL, dated 11 December 2020, was refused by notice dated 10 March 2021.
 - The development proposed is lower ground floor extension.
-

Decision

1. The appeal is allowed and planning permission is granted for lower ground floor extension at Southcote, 10 Grosvenor Gardens, Huby LS17 0ED in accordance with the terms of the application, Ref 20/05023/FUL, dated 11 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: Location Plan; SHA-WGG-ZZ-SI-A-9002 RevA; SHA-WGG-GA-A-0002 RevA.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by its publication. I have determined the appeal on the basis of the revised Framework.
3. Although the description of development refers only to a lower ground floor extension, the proposal drawings also show a porch and roof alterations. It appears that planning permission may previously have been granted for them (ref 19/03889/FUL), so I have taken reference to these works on the drawings to be for information, rather than forming part of the proposal.
4. The appellant has questioned whether the proposal requires planning permission. However, this is not a matter for me to determine in the context of this Section 78 appeal. I have determined the appeal accordingly.

Main Issue

5. The main issue is whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies.

Reasons

6. The appeal property is a bungalow at the end of a residential cul-de-sac, which is identified as being located within the Green Belt.
7. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a number of listed exceptions. These include 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. Policy GS4 of the Harrogate District Local Plan (2020) (the LP) does not repeat the Framework exceptions, but identifies that applications for development in the Green Belt will be determined in accordance with national policy.
8. The Framework itself does not define 'disproportionate', but the Council refers to its House Extensions and Garages Design Guide Supplementary Planning Document (2005), which states that in Green Belts house extensions that extend the ground floor area of the original house by more than 50% will not normally be permitted unless there is an exceptional household need.
9. Technically, being at lower ground level, the proposal would not extend the ground floor area. Nevertheless, the evidence indicates that the house has already been extended from its original size. Uncontested figures provided by the Council suggest that extensions added in 1979 and 2000 have already increased the floor space of the original house by approximately 50%, and increased the volume by approximately 58%. These figures do not seem to take into account the more recently approved porch and roof extensions. As such, the proposed extension when taken with other additions would likely increase the size of the original building by even more than the figures suggested by the Council.
10. That said, as the Inspector noted in a previous appeal at this site¹, when determining whether or not a proposal would be a disproportionate addition, it is also important to consider the visual increase in the size of the original building, taking into account the nature of the site and the precise nature of the proposal. This is a matter of planning judgement for the decision maker.
11. In this instance, the visible extent of the proposed extension would replace an existing raised patio. The patio wraps around the rear and side of the house and is of notable bulk and scale. There is no indication that the patio is not original to the house. The extension itself would not project out as far as the existing patio, although it would require further excavation into the garden to create a cutaway for light and access to the windows. The cutaway would also likely have retaining walls that would project above ground level. Nonetheless, according to the drawings, the section of the patio at the side of the house would be removed entirely, such that the overall built footprint of the original house would not be significantly extended, if at all.

¹ Appeal ref: APP/E2734/D/19/3230295

12. Moreover, the top of the proposed flat-roofed extension would be at a similar level to the existing patio, with the rest of the extension being located under the house. Even when considered cumulatively with other additions, the proposed extension would appear subservient to the host building and therefore its original form would clearly remain as the dominant part of the structure once extended. Furthermore, the visible extent of the proposal would integrate well with the original building, and due to its location at the rear, limited height above ground, and the screening from surrounding landscaping and neighbouring houses, would not be readily visible from public viewpoints.
13. Therefore, and on balance, the proposal would not be a disproportionate addition over and above the size of the original house. It would therefore be one of the exceptions identified in Paragraph 149c) of the Framework. Accordingly, the proposal is not inappropriate development in the Green Belt. The proposal complies with the Green Belt protection objectives of the Framework and LP Policy GS4. Consequently, it is unnecessary to consider the effect on openness, or whether there would be very special circumstances such as the suggested fallback position.

Conditions

14. As suggested by the Council in the appeal Questionnaire, I have imposed a condition requiring the external materials to match the existing building to ensure a satisfactory appearance of the development. I have also imposed the standard commencement condition, as well as an approved plans condition to provide certainty.
15. However, the Council has also suggested a condition removing permitted development rights. The Planning Practice Guidance makes clear that conditions to restrict permitted development rights may not pass the test of reasonableness or necessity. Moreover, permitted development rights have not been withdrawn from Green Belt in the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020. As there are no clear reasons provided for the removal of permitted development rights, the suggested condition is not imposed.

Conclusion

16. For the reasons given, I conclude that the appeal should succeed.

A Caines

INSPECTOR