



Appeal Decision

Site visit made on 28 June 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/N3020/D/21/3272382

1 Oxtan Road, Calverton, NG14 6NU

- 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 and Mrs Adgar against the decision of Gedling Borough Council.
 - The application Ref 2020/1205, dated 26 November 2020, was refused by notice dated 22 January 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Background and Main Issues

4. The appeal site is within the Green Belt. The National Planning Policy Framework (the Framework) identifies that new buildings within the Green Belt will be inappropriate, save for a number of exceptions, including paragraph 149(c) which relates to the extension or alteration of buildings. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist to justify a proposal.
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5. As such, the main issues are:

- whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
- the effect of the proposal on the openness of the Green Belt; and
- if the proposal would be inappropriate development, 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 it.

Reasons for the Recommendation

6. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.' It does not however define 'disproportionate'.
7. Policy 3 of the Aligned Core Strategies Part 1 Local Plan (September 2014) (ACS) and policy LPD13 of the Local Planning Document Part 2 Local Plan (July 2018) (LPD) are consistent with the Framework in that they seek to protect the Green Belt but allow limited extensions to existing buildings. Policy LPD13 states that alterations and extensions to buildings may be granted where the extension does not exceed 50% of the floorspace of the original building, and that extensions or alterations should not have a detrimental impact on the openness of the Green Belt.
8. The appeal property is a two-storey semi-detached dwelling which has been extended previously. The Council has calculated that the previous and proposed extensions combined would be an increase of 84.7% of the floorspace of the original dwelling. This would substantially exceed the 50% threshold set out in policy LPD13.
9. The Framework refers to not resulting in disproportionate additions over and above the size of the original building. Size is more than a function of floorspace and includes bulk, mass, and height. From the information before me I am satisfied, as a matter of judgement, that the current proposal, when added to the cumulative scale of previous additions to the original building, would be disproportionate in the context of the Framework and Policy LPD13 of the LPD.
10. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness of the Green Belt

11. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be

relevant¹. As the visual and spatial bulk of the building would be increased by the extension, the proposal would result in a reduction in the openness of the Green Belt. This would cause limited harm to the openness of the Green Belt on account of the small scale of the proposal and that harm is in addition to the harm by reason of its inappropriateness.

Other considerations

12. Permission exists through the larger homes extension prior notification scheme for an alternative single-storey rear extension². The approved extension is considerably larger than the proposed extension, and the Council has calculated that when combined with the existing extensions the floorspace would be an increase of approximately 106.2% of the floorspace of the original building.
13. The approved and proposed extensions would be on different sides of the rear of the dwelling, although a drawing ('Proposed Layout Plan' drawing no. 21/387-03A) provided by the appellants in their appeal submission shows that the two extensions would overlap. However, the overlap would be limited and I am not satisfied by the appellant's arguments that it would not be possible to implement both extensions. There is no obligation to fully complete a development and it may be difficult for the Council to enforce against a partially constructed extension, providing what had been constructed was in accordance with the approved plans. The extensions combined would be vastly in excess of the 50% threshold set out in policy LPD13 and would cause an even greater reduction in the openness of the Green Belt. Similarly, there would be nothing to prevent the appellant from securing prior approval for a slightly smaller extension to the lounge to avoid the overlap.
14. Even if a condition was attached to remove permitted development rights for future extensions, this would only come into force once the appeal scheme was implemented and not at the time the permission was granted. Consequently, such a condition would not prevent the possibility of the prior approval extension, or any alternative prior approval scheme, being erected first followed by the utility.
15. Furthermore, the approved extension is for an extension to the lounge whereas the proposed extension would house a utility room and toilet. As the uses of the extensions would differ, it does not follow that the alternative extension represents a genuine fall-back for the current appeal scheme. In other words, I am not persuaded that the alternative lounge extension would be erected on its own if permission was refused for the proposed utility.
16. Consequently, I conclude that the fallback position of the alternative extension carries limited weight.

Planning Balance

17. The proposal would amount to inappropriate development within the Green Belt and would cause a limited reduction in the openness of the Green Belt, contrary to the provisions of the relevant policy of the LPD. In accordance with paragraph 148 of the Framework I must attach substantial weight to the harm in those respects. The very special circumstances needed to justify

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

² Planning application ref. 2020/0721PN

inappropriate development in the Green Belt will not exist unless the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations. For the reasons given, I attach limited weight to the suggested fall-back arguments. I also recognise that the extension would bring private benefits in terms of the improved internal arrangement but such benefits carry limited weight in planning terms and do not outweigh the substantial weight that must be attached to the harm to the Green Belt.

18. Accordingly, the very special circumstances needed to justify the development do not exist. The proposal is contrary to the relevant policy of the development plan and having regard to all material considerations, planning permission should not be granted.

Conclusion and recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR