



Appeal Decision

Site visit made on 13 July 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2021

Appeal Ref: APP/P2935/D/21/3274853

Outwood, Riding Mill, Northumberland NE44 6AD

- 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 B Steinlechner and Ms S Ross against the decision of Northumberland County Council.
 - The application Ref 20/04134/FUL, dated 2 December 2020, was refused by notice dated 22 April 2021.
 - The development proposed is construction of a new sunroom.
-

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 Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issues

4. Outwood is a detached bungalow located on the outskirts of the village of Oakwood. The site is situated within the designated Green Belt. The main issues are as follows:
 - 1) Whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - 2) the effect of the development on openness of the Green Belt, and

- 3) if the development is inappropriate, is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the development.

Reasons for the Recommendation

Planning Policy

5. The adopted development plan for the area is made up of the Tyndale District Local Plan (2000) (the LP) and the Tyndale Local Development Framework: Core Strategy (2007) (the CS). Although these plans are of some vintage and both pre-date the publication of the Framework, they are widely consistent with the Framework as it relates to Green Belts. Consequently, in line with paragraph 47 of the Framework determination of this appeal is based on accordance with these plans.
6. Both parties have referred to policies of the emerging Northumberland Local Plan (the ENLP), with particular reference to Policy STP 8 which relates to development in the Green Belt. The Examining Inspector considered the plan to be unsound. However, it is likely that it can be made sound by modifications. Whilst Policy STP 8 is not referred to in the modifications set out by the Inspector, there are no material differences with the adopted development plan.
7. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception 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. Similarly, Policy NE7 of the LP follows the same path.
8. Consideration of what represents a disproportionate addition over and above the size of the original building requires me to determine what constitutes the original building, and assess whether the development, when taken in combination with any previous additions to the original building, results in a disproportionate addition. In other words, when taken together, would the sum of existing extensions and proposed sunroom to the original building be disproportionate? There is no dispute between the appeal parties as to what constitutes the original building. The original building to which this appeal relates has been extended previously as enumerated by the appellant¹.
9. There is dispute between the Council and appellant regarding the overall volume and volume increase of the proposal. The appellant contends that the existing volume is 1055.07 cubic metres and has been increased by 37.57% from the original dwelling and with the sunroom proposal the cubic volume increases to 1124.57 cubic metres which equates to an increase from the original building of 46.63%. The Council suggest the original dwelling was approximately 761.86 cubic metres. They consider that through previous planning permissions the volume of the original dwelling has already been increased to 1152.64 cubic metres which equates to an existing 51.3% increase in volume. The sunroom proposed would add a further 71.05 cubic metres of volume to the property increasing the overall volume of the property to 1223.69m³, which is considered to result in a combined 60.62% increase.

¹ Page 12 of Grounds of Appeal

10. The difference between the volumetric calculations is less easy to explain from the information provided. However, using a simple calculation for the volume of the proposed sunroom according to dimensions provided the volume would be 73.5 cubic meters. There is no dispute between parties that the sunroom would project 5 metres from the existing lean-to extension on the south elevation and would measure 4.9 metres in width, with a maximum height of 3m to the eaves of the flat roof. Thus, on balance, I am more inclined to accept the Council's calculations.
11. Neither the Framework or the Local Plan set a figure as to what is considered to be a disproportionate addition and an element of judgement is therefore required. In making that judgement it is reasonable to consider the visual and spatial characteristics of the proposal and other previous extensions in reaching a conclusion, as opposed to relying simply on a volumetric calculation.
12. Having regard to the calculations, the submitted 3D Axonometric view² and having viewed the appeal property on site it is clear that the development would add greatly to the overall mass, and scale of the original dwelling, particularly as the side element of the ground floor extension would extend out from the original flank wall by over half the width of the original dwelling. Moreover, due to its position on top of the existing garage, the sunroom would effectively read as a two storey extension to the house and this would represent a substantial addition in visual terms on that particular elevation. Overall, regardless of the difference between the parties over the precise volume of the additions, the development would therefore add significant bulk, mass and scale to the original building resulting in disproportionate additions over and above the size of the original dwelling when added to previous additions.
13. I note the appellant's contention that the proposal is of a high standard of design. However, the architectural detailing of the proposal has little impact on my consideration of whether it would amount to a disproportionate addition. The Green Belt is effectively a spatial, rather than a design based, designation and the physical scale and volume of the proposal, as opposed to its external design, are the key factors in reaching my conclusion, as set out above.
14. Drawing all the above points together, I find that the development constitutes inappropriate development. Accordingly, the proposal is in conflict with the Framework, Policies GD2, H20, NE14 and NE7 of the LP which seek to protect the Green Belt.

Openness of Green Belt

15. The essential characteristics of Green Belts are their openness and their permanence. The argument is that the proposal would sit on an existing raised deck of the property and would not extend the property outward, laterally or vertically. However, the sunroom would introduce additional dimensions to the property in height and depth atop the garage presently free of any structure. This results in an overall increase in volume diminishing openness. Irrespective of what previously existed, the size of the property would be significantly increased thereby reducing openness in this part of the Green Belt. The sunroom would be a bulky addition. It would occupy space and cause spatial harm to the Green Belt because of its scale in addition to the existing property.

² Dwg No. P-14

Additionally, the development would represent encroachment given the overall size of the property and extensions, conflicting with at least one of the purposes of designating land in the Green Belt. I find the development has a materially harmful effect upon openness and conflicts with Policies NE14 and NE7 of the LP and the Framework.

Balance: Is the Harm by Way of Inappropriateness, and any other harm, clearly outweighed by other considerations and, if so, whether the very special circumstances needed to justify the development exist

16. Paragraph 147 of the Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be attached to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
17. In this case, the development would amount to inappropriate development in the Green Belt. No other considerations have been put forward that would clearly outweigh the harm to the Green Belt. It follows that the very special circumstances needed to justify the development do not exist.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR