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# Appeal Decision

Site visit made on 30 November 2021

**by Diane Cragg Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 December 2021**

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**Appeal Ref: APP/P4415/D/21/3277314**

**Tinkerdale, Main Street, Brookhouse, Rotherham S25 1YA**

- 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 Mrs Qaiyur against the decision of Rotherham Metropolitan Borough Council.
  - The application Ref RB2021/0836, dated 22 April 2021, was refused by notice dated 9 June 2021.
  - The development proposed is raising the roof to create a two storey dwelling with a first floor rear extension, the insertion of dormer windows into the front and rear elevations, the demolition of existing rear conservatory and erection of single storey rear and side extension.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. There are discrepancies in the documentation about the site address and the appellant's name. Therefore, I have taken the name of the appellant and the site address from the original application form.
3. Whilst the amended description on the appeal form appears not to have been agreed, it is more succinct, and I have used it in the banner heading above. I have determined the appeal accordingly and with regard to the submitted drawings.
4. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 and I have had regard to it in reaching my decision.

## Main Issues

5. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policy;
  - the effect on the openness and the purposes of the Green Belt; and
  - if the proposal is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## Reasons

6. Tinkerdale is a detached bungalow facing Main Street in Brookhouse. The bungalow has a long elevation to the road frontage with a limited depth. The plot is similarly proportioned so that the bungalow is relatively close to the street frontage with its main garden area located to the western side. Vehicular access to a detached garage and parking area is at the eastern end of the frontage with the remainder of the front boundary defined by mature hedging.

### *Whether inappropriate development*

7. The Framework establishes that new buildings within the Green Belt are inappropriate subject to a number of specified exceptions. This 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.
8. Policy CS4 of the Rotherham Local Plan Core Strategy 2013 – 2028 (CS) establishes that land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy. Policy SP4 of the Rotherham Local Plan Site and Policies document (RLPSP) is similarly worded to the Framework in relation to extension and alteration of a building but identifies that increases in excess of 33% in the external volume of the original building would make the proposal disproportionate.
9. The 'original building' is defined as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The Council identifies that the proposed development would result in a volume increase when taken together with previous extensions of 171%, well in excess of the 33% set out in Policy SP4. The percentage increase is not disputed by the appellant and on this basis the proposals would be inappropriate development in the Green Belt.
10. Even so, the appellant notes that the Framework is silent on what is disproportionate and refers to the design complying with Policy SP4 where it considers the size and scale of any such extensions or alterations to existing buildings.
11. The proposal would include increasing the height of the building, significant alterations to the design of the roof including sizable dormer windows to the front and rear and a rear first floor extension that would cut across the eaves line. The dormer windows and first floor extension take up a considerable portion of the roof and when taken together with the increase in height of the building, the size and scale of the additions to the roof of the bungalow would appear disproportionate compared to the existing roof form.
12. Therefore, the appeal scheme would result in disproportionate additions over and above the size of the original building and would be inappropriate development in the Green Belt in conflict with Policy CS4 of the CS and Policy SP4 of the RLPSP. Policy SP2 of the RLPSP and the Framework confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### *Openness and purposes of Green Belt*

13. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.

14. The proposed increase in the roof height and alterations to its form and the ground floor additional area would introduce further development on to the site, increasing the dwellings footprint and mass. Due to the existing dwelling being close to the site frontage, and the rear being visible from Brookhouse Lane, the increase in the dwelling's footprint and mass would result in a small loss of visual and spatial openness.
15. With respect to the purposes of Green Belt, the development would be contained within the boundaries of the residential property and therefore would not lead to encroachment into the countryside. Nor would it represent sprawl or urbanisation and I find no conflict with the purposes of Green Belt.

### **Other Considerations**

16. Whilst the extensions may provide an opportunity to improve the thermal efficiency of the building there is no evidence that thermal improvements cannot be achieved in any case. This matter is therefore a neutral factor.
17. I attach a small amount of positive weight to the social benefits associated with improving the living accommodation for the occupants of the property where this could allow care to be provided for family members.
18. The appellant has brought to my attention that the site benefits from permitted development rights and indicates that this is a fallback position. However, I have no information before me about a proposed scheme to utilise permitted development, and therefore a detailed comparison with the case before me cannot be made. Additionally, there is no evidence that the fallback position is a greater than theoretical possibility or that if the appeal is dismissed a fallback would be pursued. As a consequence, I find the suggested fallback is neutral in the determination of the appeal.
19. My attention has been drawn to a recent development opposite the appeal site where the erection of new dwellings, said to be of an equivalent volume to a previous building on the site, was supported. Nevertheless, in this case there is no disagreement that the volume of the building is being increased by a substantial amount from its original size and therefore that development does not lead me to a different conclusion on the appeal proposal.

### **Green Belt Balance and Conclusion**

20. I have found that the proposal would be inappropriate development in the Green Belt. It would also result in a small loss of openness of the Green Belt. Any harm to Green Belt attracts substantial weight.
21. The harm by reason of inappropriateness, and any other harm, is not clearly outweighed by the other considerations set out above. Therefore, the very special circumstances necessary to justify the proposal do not exist.
22. Overall, for the reasons given above, the proposal conflicts with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

*Diane Cragg*

INSPECTOR