



Appeal Decision

Site visit made on 7 December 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2021

Appeal Ref: APP/V1260/D/21/3276504

Meriden, Merley Park Road, Ashington, Dorset BH21 3DD

- 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 Paul Warwick against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/20/01338/F, dated 5 November 2020, was refused by notice dated 28 April 2021.
 - The development proposed is a loft conversion to create additional accommodation and the replacement of the existing garden studio.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion to create additional accommodation and the replacement of the existing garden studio at Meriden, Merley Park Road, Ashington, Dorset BH21 3DD in accordance with the terms of the application, Ref APP/20/01338/F, dated 5 November 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 and Proposed Block Plan, drawing no.01; Proposed Site Plan, drawing no.06; Proposed Ground, First and Roof Plan, drawing no.07; Proposed Front and Side Elevations, drawing no. 08; Proposed Rear and Side Elevations, drawing no.09 and Garden Studio Plans, drawing no.10.
 - 3) The garden studio hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Meriden, Merley Park Road.
 - 4) The trees shown on the Proposed Site Plan to the north of the garden studio shall be protected by strong fencing during construction, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Application for costs

2. An application for costs was made by Mr Paul Warwick against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the Council made its decision, the Government has published its revised National Planning Policy Framework (the Framework). In their first refusal reason on the decision notice, the Council refer to paragraphs 143, 144 and 145 of the previous version of the Framework. These paragraphs related to national policy on protecting Green Belt land. Similar wording is contained in paragraphs 147, 148 and 149 of the revised Framework. As effectively only the paragraph numbering has changed, no one would be prejudiced by my determining the proposal with reference to the revised Framework.

Main Issues

4. 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 policies, including the effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area having regard to massing, scale and design, and;
 - If found to 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 required to justify the proposal.

Reasons

Whether inappropriate development and openness

5. The Framework advises that new buildings within the Green Belt would normally constitute inappropriate development, save for the exceptions set out in paragraph 149. The appellant contends that the proposal falls within the scope of the exceptions listed. Two have relevance to the proposals in this case.
6. Firstly, Paragraph 149(c) states that the extension or alteration of a building would not be inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. I shall consider whether the proposed loft conversion falls within this exception. Secondly, paragraph 149(d) allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. I shall consider whether the proposed replacement garden studio building would be covered by this sub-paragraph.
7. There is no definition of 'disproportionate additions' in the Framework, neither is there any development plan policy or supplementary planning guidance before me specifying how proportionality should be assessed for proposals that affect the Green Belt. Policy PP2(6) of the Poole Local Plan, November 2018

- (LP) simply states that the Council will carefully manage the Green Belt in accordance with national policy.
8. Paragraph 149(c) requires some comparison of the size of the proposed extension or alteration relative to the original building. The term 'original building' is defined in the Framework as '*a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally*'. There is little in the evidence to indicate when the detached bungalow (Meriden) was constructed, nor whether it has been subsequently altered. Accordingly, I must base my assessment largely on my observations and the plans before me.
 9. On that basis, the existing dwelling has an appearance and form that suggests it was constructed in the latter half of the 20th century. The rectangular footprint, shallow pitch roof and materials are all consistent with a broadly ranch style dwelling. Consequently, the only obvious extensions to the original building are the porch and conservatory that project from the rear elevation. Hence, for the purposes of my determination, I have assumed that the original building is the dwelling minus these two structures.
 10. No volume calculations or other size comparisons are provided for either the original building or the proposed loft extension. From the floor plans provided, it is evident that the proposal would add considerably to the available floorspace. Nevertheless, paragraph 149(c) of the Framework refers to 'size' and this is not confined to floorspace. Consequently, I have also generally compared the overall size increase proposed in terms of volume and external dimensions.
 11. Contrary to the Council's assertion¹, rather than doubling in size, the proposed footprint of the structure would remain broadly similar to the original dwelling. This is illustrated in the location and proposed block plan provided². Most of the additional volume would be at first floor level, and the proposed flat roof would add bulk in comparison to the existing shallow pitched roof. Nevertheless, the increase in overall height would not be significantly greater and the inclusion of a roof terrace would provide an open gap thereby reducing volume at the south-western end of the building. Furthermore, the projecting conservatory and porch would be removed. Overall, I find that the proposed alterations and extensions to the main dwelling would not result in disproportionate additions in terms of their size. Accordingly, they would fall within the remit of paragraph 149(c) of the Framework.
 12. The development also proposes to replace an existing detached timber clad outbuilding, described as a garden studio. Paragraph 149(d) sets out two tests for replacement buildings. Firstly, the new building must be in the same use and secondly, it should not be materially larger than the building to be replaced.
 13. I have no reason to suppose that the existing outbuilding is used other than for domestic purposes incidental to the main house. The appellant confirms³ that the proposed garden studio would provide a seating area, pool table, wc and kitchenette and that it would form part of the curtilage with the main house. It is his intention that it would not be occupied by non-family members.

¹ Council's Planning Report

² Drawing number 01

³ Paragraph 5.13, Appellant's Appeal Statement

14. There is no substantive evidence provided to show that the proposed garden studio would be used as a separate dwelling. Moreover, its physical proximity to the main dwelling, continued shared access, absence of separation from the existing garden area and limited facilities would all suggest otherwise.
15. Furthermore, the appellant has suggested the imposition of a condition to prevent the use of the structure other than for ancillary residential purposes which would remove any doubt. This is an approach the Council has recently used in relation to ancillary domestic structures elsewhere⁴. Indeed, the Council states in its planning report that a condition could prevent the use of the garden studio as a separate unit of accommodation. Consequently, on this basis I am satisfied that the proposed replacement garden studio would remain in the same use.
16. Few measurements and no volume calculations of either the existing or proposed garden studio have been provided by either party. Therefore, I have based my assessment on my observations and the submitted plans. Even so, both structures are relatively modest single storey buildings. A comparison of the existing and proposed site plans⁵ indicates that the replacement building would have a broadly similar footprint that would use the existing floor slab. It follows that it would be similarly positioned within the site. Whilst it would have a wider roof overhang, a shallow mono-pitch roof is used instead of a pitched roof, which gives it a low profile. Based on these factors, and in the absence of evidence to show otherwise, I consider the replacement garden studio would not be materially larger than the existing building. Therefore, it would comprise development covered by paragraph 149(d) of the Framework.
17. Accordingly, I find that the proposed development would fall within exceptions permitted by national policy, and therefore, would not constitute inappropriate development in the Green Belt. Hence, it should not be regarded as harmful either to the openness or to the purposes of including land in the Green Belt. It follows that I find no conflict with national green belt policy as expressed in the Framework and consequently, there is no subsequent requirement to separately consider the impact on openness.

Character and appearance

18. Meriden is a detached, broadly ranch style bungalow with generous landscaped grounds. Nearby housing is similarly detached in large plots. When combined with the presence of paddocks, hedgerows and tree cover, the area has a spacious, semi-rural character and appearance.
19. The existing bungalow has a shallow pitch roof resulting in a horizontal low profile to the building, and a rather ordinary domestic appearance. The timber clad garden studio is reminiscent of a typical stable structure. Aesthetically, neither structure displays notable qualities that positively contribute to the wider area. However, neither is objectionable and combined with their inobtrusive setting some distance from Merley Park Road, they have a neutral impact on the semi-rural character of the area.
20. The proposals would result in two flat roofed structures which take a different form. This is a deliberate design approach that would result in an unashamedly

⁴ Decision notices with planning references APP/20/00723/F & APP/20/00653/F, Appendices B, C, Appellant's Appeal Statement

⁵ Drawing Nos: 05 & 06

contemporary appearance resulting in cleaner lines and a simpler more coherent appearance to the dwelling. The careful proportions and placement of windows would add interest. In addition, the massing of the dwelling would be articulated by the employment of different materials and a roof terrace which would achieve a well-balanced front elevation.

21. The simplicity of the proposed mono-pitch garden studio structure would be attuned with the contemporary appearance of the main dwelling whilst remaining subordinate. Both structures would retain a domestic scale and would broadly reflect the footprints of the existing buildings. As such, the inobtrusive presence of built form relative to Merley Park Road and spacious character of the grounds would be preserved.
22. Accordingly, I find that the proposal would not harm the character and appearance of the area having regard to massing, scale and design, but rather would result in a modest enhancement. Therefore, it would align with policy PP27 of the LP, which seeks a good standard of design.

Planning balance

23. It will be seen from my reasoning above that I have found that the proposal would not be inappropriate development in the Green Belt and that there would be no conflict with the development plan. Policy PP1 of the LP states that planning applications that accord with the LP will be approved without delay unless material considerations indicate otherwise. This is reinforced by planning law⁶. There are no material considerations presented that would lead me to find other than that the development should be approved without delay.

Conditions

24. A condition relating to the commencement of development is necessary, as is reference to the approved plans in the interests of certainty. As the plans are annotated with the proposed materials, there is no need to impose a separate condition regarding them. Given that the exception in paragraph 149(d) of the Framework requires replacement buildings to be in the same use as the building to be replaced, a condition is imposed to ensure the ancillary domestic use of the proposed garden studio. Finally, the site is covered by a blanket tree preservation order⁷ and there are trees in proximity to the north of the proposed garden studio. Therefore, a condition to agree and implement protection measures is imposed to safeguard them during the construction process. In order to be effective, these measures need to be agreed and implemented prior to the commencement of construction.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

Helen O'Connor

Inspector

⁶ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

⁷ Dated 28.3.89