



Appeal Decision

Site Visit made on 14 December 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/P0119/D/21/3280340

Knights Well Shellards Lane, Alveston BS35 3SY

- 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 Darren Fitzpatrick against the decision of South Gloucestershire Council.
 - The application Ref P21/03776/F, dated 19 May 2021, was refused by notice dated 16 July 2021.
 - The development proposed is single-storey front and side extension and conversion of garage into habitable accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice and appeal form, no confirmation that a change was agreed has been provided.
3. Amended plans were submitted as part of the appellant's appeal submissions removing the proposed porch from the proposal. As this does not substantially alter the proposal, appeal parties would not be prejudice by my taking account of the amended plans. I have considered the appeal on this basis.

Main Issues

4. The main issues of the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies,
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the development.

Reasons

5. The appeal site is located in the Green Belt. The Framework outlines that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions to

inappropriate development in the Green Belt is where development is for 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. No definition of disproportionate is given in the Framework.

6. Policy PSP7 of the Local Plan¹ sets out the exceptions to inappropriate development in the Green Belt. This states that additions and alterations to buildings in the Green Belt will be acceptable provided they do not result in disproportionate additions over and above the size of the original building.
7. Additions resulting in a volume increase of 50% or more of the original building are said to most likely be considered a disproportionate addition and be refused as inappropriate development. The policies states that as a general guide, an addition resulting in a volume increase up to 30% of the original building would be likely to be proportionate.
8. It goes on to state that additions that exceed 30% volume increase will be carefully assessed, with particular regard to whether the proposal would appear out of scale and proportion to the existing building. The larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new extension(s) will be considered proportionate.
9. The Framework does not prohibit local development plan policies being prescriptive or giving guidance in defining what is disproportionate. Therefore, Policy PSP7 of the Local Plan is consistent with the Framework.
10. The supporting text of Policy PSP7 of the Local Plan and the Framework refer to the original building being as it existed on 1 July 1948. Neither the Framework nor the Local Plan indicate how outbuildings should be assessed in regard to disproportionality. The Courts have found² that an existing detached domestic outbuilding can be regarded as part of the dwelling.
11. The garage is physically separate to the main dwelling at present. Nonetheless, it is located close to the dwelling and positioned adjacent to the main garden space. The garage is partly used for a gym and has a clear functional and physical association with the house and is of similar external materials. It is designed and read as part of the dwelling and is a normal domestic adjunct to the property already.
12. Although no precise date is given, the evidence before me indicates that the garage was constructed after 1948. Therefore, it would not form part of the original building in this context. While the garage is not increasing in size as part of this proposal, considering the above factors, it is part of the dwelling and should be included in the calculation of overall extensions to the original building.
13. The proposed extension would have a lower ridge level than the existing built form, there is existing hard surfacing at the site and materials would differentiate between the original and additional elements. Notwithstanding this, taking the appellant's figures, the volume increase from the original building, cumulatively would be 47%. The scheme would increase the bulk of the building and create a continuous spread of development across much of the

¹ South Gloucestershire Local Plan: Policies, Sites and Places Plan

² Sevenoaks District Council v SSE and Dawe [1997]

plot width and depth. This would elongate the extent of the built form across the site.

14. To my mind, in this instance, the size of the combined extensions would result in additions to the original building that would be disproportionate in the terms of the Framework and the Local Plan. Therefore, the appeal development would be inappropriate development in the Green Belt. It would conflict with Policy PSP7 of the Local Plan and the Framework.

Effect on Openness

15. Openness in terms of the Green Belt has a spatial and visual aspect.
16. The proposed extension, even without the porch would increase the volume and footprint of built form on the site. The scheme would be seen with the existing built form. Nonetheless, the extension would increase the spread of the built form across the site, closing the gap between and adjoining the existing garage. It would be clearly seen from the road to the front and the surrounding land. Landscaping is suggested, however, there are limited details of this, and new planting would take some time to mature and effectively screen the proposal.
17. Consequently, in visual terms and spatial terms the proposal would have a greater impact on the openness of the Green Belt than the existing development. Although the harm would be small, this would be contrary to the Framework where it states openness is an essential characteristic of the Green Belt.

Other Considerations

18. The proposal would provide additional and more useful space, better meeting the needs of the appellant and their family. I am understanding of the difficulties posed by the size and configuration of the existing home. While it has not been demonstrated that the scheme before me is the only option for resolving these issues, this matter attracts moderate weight in favour of the proposal.
19. It has been put to me that the proposed scheme without the porch could be erected under permitted development rights and represents a fallback position. There is no certificate of lawful development to this effect. In any event, this would not be more harmful than the appeal scheme.
20. I do not have plans or details of the size of an alternative scheme within the rear garden and therefore cannot be sure it would be more harmful than the appeal scheme. I give these matters limited weight.
21. A lack of harm to the character and appearance of the area, and that sufficient outdoor space would remain, are neutral factors and do not weigh in favour of the scheme. The conduct of the Council prior to the appeal is not a matter that affects my findings on the main issues.
22. There is limited evidence presented of other cases where a similar or greater scale of extensions have been allowed in the Green Belt. Therefore, I cannot be certain that they represent a direct comparison to the appeal scheme. In any event, I have considered the appeal on its own individual merits.

Conclusion

23. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt. The other considerations in this case do not clearly outweigh the harm that I have identified.
24. As such, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policy PSP7 of the Local Plan and the Framework. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
25. Therefore, for the reasons given, and having taken into account all matters raised, I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR