



Appeal Decision

Site visit made on 1 February 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2022

Appeal Ref: APP/E2734/D/21/3282285

12 Holly Park, Huby LS17 0BT

- 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 Fraser against the decision of Harrogate Borough Council.
- The application Ref 21/00864/FUL, dated 23 February 2021, was refused by notice dated 18 June 2021.
- The development is a proposed rear extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the period between the Council's refusal of planning permission and the start date of this appeal, a revised version of the National Planning Policy Framework (the Framework)¹ was published. Whilst the Council's officer report refers to paragraph numbers of a previous iteration of the Framework I am satisfied that with respect to Green Belt matters the provisions are broadly consistent. I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposed development on the openness of the Green Belt; and
 - If inappropriate development, whether any 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 the development.

Reasons

4. The appeal property is a semi-detached house located broadly midway along a residential cul-de-sac within Huby. The property has previously been extended at the side with a single storey extension which extends beyond the rear elevation of the house. At the rear of the house, and around the rear of the

¹ 20 July 2021

previous extension, garden ground levels fall away such that the rear elevation is comprised of three storeys.

5. Policy GS4 of the Harrogate Local Plan states that development within the Green Belt will be determined in accordance with the relevant national policy. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Any harm to the GB should be given substantial weight and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
6. Paragraph 149 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development unless the development falls within one of a range of 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.
7. Whilst the Framework does not define what constitutes 'disproportionate' or what parameters should be used to assess the size of the original building, the Council's 'House Extensions & Garages Design Guide' (HDG) does advise that within the Green Belt proposals that would extend the ground floor area of a house by more than 50% will not normally be permitted. However, the Council have noted that the HDG pre-dates the current Framework and is not entirely consistent with its approach to extensions to buildings within the Green Belt. To this end, reference is also made to a volume increase figure of 30% from a local appeal decision², albeit it is instructive to note that this figure is neither repeated in guidance nor development plan policy. Consequently, the weight I give to either threshold figure is limited.
8. The proposed extension would add in the region of a further 3.3 metres rearward projection to the rear of the previous extension. It would continue the form of the existing extended element and, also like that previous extension, would in part be substantially built up above the falling ground levels at the rear of the house.
9. Together with the previous extension, the appeal scheme would result in a cumulative increase in floor area in the region of 100% over and above that of the original building. This would be significantly above the figure referred to within the HDG and would also in any event and in any reasonable assessment, be a substantial increase in size of a building over and above its original size. In terms of volume however, the increase would come in just below the more informal figure of 30% also referred to by the Council. Neither figure is disputed by the appellants.
10. In terms of whether or not the proposal would be disproportionate, whilst it would exceed the quoted measures in terms of floor area but not in terms of volume, neither of the 'threshold' figures referred to by the Council are decisive in themselves. As the Framework refers to size in more general terms, it is necessary to consider the resulting scale, bulk, massing and built form that would arise from the proposed extension.

² APP/E2734/D/20/3252682

11. The appeal proposal would extend further the existing rearward projection of the previous extension. Adding a further 3.3 metres to this already projecting element would further elongate its built form and accentuate its long, narrow form in comparison to the more compact square plan-form of the original building. Furthermore, the differences in ground levels would add additional bulk to the extension's sub-structure at lower ground floor level, increasing its overall bulk and massing, despite ostensibly being a single storey structure.
12. Taking all these factors together, and cumulatively with the previous extension, the proposal would amount to a disproportionate addition to the appeal property, over and above the size of the original building. It may be the case, as the appellants suggest, that the proposal amounts to only a 4% increase in footprint over the existing footprint, but that is not the relevant test in Green Belt terms.
13. As the proposal would not benefit from the exception provided at Framework paragraph 149(c) it is inappropriate development in the Green Belt, contrary also to Harrogate Local Plan policy GS4. Inappropriate development is, by definition, harmful to the Green Belt and the Framework advises that substantial weight is given to any Green Belt harm.

Openness

14. Openness is described by the Framework as one of the essential characteristics of green belts and has both spatial and visual aspects. The proposed extension would not be visible from the front of the appeal property as it would be hidden behind the form of the existing side extension. Nor would it be widely visible from the rear, where the generous gardens back on to a wooded area. The sub-divisions between gardens are relatively substantial and so there are also restricted views along the rear gardens of nearby properties.
15. Nevertheless, the proposal would extend the existing built form further into the rear garden. Whilst only modestly so, it would nevertheless alter the form and core shape of the original dwelling, creating a sense of a longer, narrow 'wing' extending further rearwards into the garden area and exacerbating a cumulative outward spread of extension from the otherwise originally more compact form of the original building.
16. The appeal property is set within a residential cul-de-sac setting. From what I could see during my visit to the site, there is no uniform or consistent building line along the rear faces of properties on the eastern side of Holly Park. As such, whilst the proposal would have an adverse impact on openness, the harm that impact causes would be limited.

Other considerations

17. Despite concerns in relation to the effect of the proposed extension on the host dwelling's core shape and form in GB terms, the Council do not object to the proposal in terms of its impact on character and appearance of either the host building or the surrounding area. Nor would the proposal result in harm to the living conditions of occupiers of neighbouring properties in terms of privacy or outlook.
18. I do not disagree on either point. The effect of a proposal on character and appearance is a separate matter to the visual aspect of openness and the lack of harm in terms of character and appearance, and also in terms of living

conditions, are neutral factors in the overall GB balance and neither weigh in support of nor against the proposal.

19. I have noted that the appellants have no desire to move and that the intention for the proposal is to create an enlarged dining area within the existing kitchen. These factors are not material considerations to which I give any significant weight.
20. The appellants have also alluded to other nearby extensions to which the proposed increase in size and volume in this instance would be similar. However, I have no details of those proposals before me and I have considered the appeal proposal on its own merits, on the evidence before me, as I have set out above.

Green Belt Balance and Conclusion

21. The proposed development would result in a disproportionate addition to the appeal property over and above the size of the original building. As such, the proposal is inappropriate development within the Green Belt which is, by definition, harmful. Openness is an essential characteristic of the Green Belt and I find that the proposal would also have a limited adverse effect on Green Belt openness.
22. The Framework states at paragraph 148 that substantial weight should be given to any harm to the Green Belt whilst paragraph 147 states that such proposals should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations. However, the other considerations identified above do not clearly outweigh the Green Belt harm by reason of inappropriateness and the very special circumstances required do not therefore exist. The proposal is contrary to Harrogate Local Plan policy GS4 and those of the Framework considered as a whole.
23. For the reasons set out above, and having considered all other matters, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR