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# Appeal Decision

Site visit made on 3 February 2022

**by A M Nilsson BA (Hons) DipTP MRTPI**

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

**Decision date: 23 February 2022**

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**Appeal Ref: APP/E2734/D/21/3288501**

**6 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 D Duncan against the decision of Harrogate Borough Council.
  - The application Ref 21/04419/FUL, dated 7 October 2021, was refused by notice dated 2 December 2021.
  - The development proposed is described as the erection of detached oak framed double garage with work room above and covered store to rear.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The appeal site is within the Green Belt and so 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;
  - The effect of the proposed development on the character and appearance of the area;
  - If the proposed development is inappropriate development, 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 development.

## Reasons

### *Site and proposed development*

3. The appeal property is a two-storey semi-detached dwelling. It is located on a street of residential properties of various designs. The street is notable for its spaciousness and landscape features. The street has a pronounced incline that results in the side elevation of the property being exposed and prominent in the street-scene.
4. The property has an existing detached garage located in the corner of the site. This is proposed to be demolished. The property has been extended through the addition of a single storey rear extension, and I also observed that there is a small timber outbuilding in the rear garden.

5. In addition to the demolition of the existing garage, the proposed development includes the erection of a detached garage with work room above. It would be sited forward of the existing garage to the side of the dwelling. It would include two dormer windows to the front elevation, an open staircase to the side and a covered store to the rear.
6. The courts have held that some outbuildings may be considered as extensions on the basis that they are 'normal domestic adjuncts', for example, the construction of a garage in close proximity to a dwelling. Given its proximity to the dwelling and that it would provide accommodation that would normally be found within the dwelling itself, I consider this to be the case with the proposed development.

#### *Whether or not inappropriate development*

7. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149. One of the exceptions cited 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'. Policy GS4 of the Harrogate Local Plan states that development within the Green Belt will be determined in accordance with the relevant national policy.
8. The Framework does not define what constitutes a 'disproportionate' addition. The Council's 'House Extensions & Garages Design Guide' (HDG) advises that within the Green Belt, house extensions that extend the ground floor area of the original house by more than 50% will not normally be permitted, however this guidance pre-dates the Framework and is not entirely consistent with the approach, in the Framework, to extensions to buildings in the Green Belt. This limits the weight given to the HDG.
9. Undisputed figures in the Council's report state that when taken with the existing conservatory extension, the proposed garage would increase the floor area by 69% and the volume by 38%. Therefore, as a matter of fact and degree, the proposed development would represent a substantial increase in the size of the dwelling above its original size.
10. Having regard to the size and scale of the original building, together with the existing additions, the proposed development due to its size and scale would represent a disproportionate addition over and above the size of the original building in terms of paragraph 149 of the Framework.
11. For these reasons, the proposed development would be inappropriate development in the Green Belt and would be contrary to Policy GS4 of the Harrogate Local Plan (2020).

#### *Openness*

12. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. Although the proposed development would replace the existing detached garage it would be significantly materially larger than the existing structure. It cannot fail but to have a greater impact on the openness of the Green Belt in spatial terms, and thus cause harm. I find that in light of the overall size and

scale of the development, combined with the replacement of the existing structure, such harm would be moderate.

13. Similarly, due to its greater prominence by reason of its size and scale, and being sited more prominently in the street-scene, the proposed development would have a greater impact on the openness of the Green Belt in visual terms, and also cause harm. The existing garage is discreetly located and is of a subtle size and scale. It is not prominent. The proposed development would however be prominently sited and highly noticeable in the street-scene. It would be sited in a slightly elevated position, when viewed from the lower sections of Holly Park, and would remove an existing gap that positively contributes to the spaciousness of the area. Therefore, due to its overall size, scale and siting, there would be significant harm to the openness of the Green Belt from a visual aspect.
14. I therefore consider that in both spatial and visual terms the proposed development would have a greater impact on the openness of the Green Belt than the existing development. Furthermore, in doing so the scheme also fails to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
15. The proposed development is therefore inappropriate development in the Green Belt, and as such conflicts with the Framework.

#### *Character and appearance*

16. The courts have held that the visual dimension of the openness of the Green Belt does not exhaust all relevant planning factors relating to visual impact when a proposed development in the Green Belt comes up for consideration. This means that it is possible that a development which would harm openness could be acceptable visually and vice versa.
17. The proposed development would represent the addition of an outbuilding at the appeal property. I observed on my site visit that a number of other properties in the street have outbuildings of various designs, sizes and siting.
18. The proposed building would remain subordinate to the host dwelling and although different materials are to be used than those of the external appearance of the host dwelling, they would not be unacceptable in this context whereby the building would appear both in connection with the use of the dwelling, but of its own, in terms of its appearance.
19. Therefore, notwithstanding my assessment in terms of the openness of the Green Belt, I do not consider that the proposed development would have an unacceptable impact on the character and appearance of the area. It would therefore comply with Policies HP3 and HS8 of the Harrogate Local Plan (2020) which require, amongst other things, that development have regard to local distinctiveness and that extensions to dwellings should have no adverse impact to the character or appearance of the dwelling or the surrounding area.

#### *Other considerations*

20. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

special circumstances. Paragraph 148 continues by stating that very special circumstances will not exist unless the harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.

21. The development in this case amounts to inappropriate development in the Green Belt and the Framework requires that substantial weight is attached to the harm in that regard. It would also cause a moderate to significant harm to the openness of the Green Belt.
22. The appellant has referred to a permitted development scheme at the property as a possible fallback. There is no confirmatory evidence before me that such a fallback would constitute a lawful form of development, and it is for a different form of development to the appeal proposal. I also note that the appellant does not wish to pursue this style of development. I therefore give the fallback limited weight in the appeal.
23. Reference is made to a number of development proposals that have been granted planning permission by the Council and also planning appeal decisions. However, I do not have full details of any of the examples which have been referred to, and I have, in any event, determined the appeal on its own individual planning merits based on the evidence before me.
24. The appellant suggests that the proposed development would constitute limited infilling of previously developed land. Such form of development is listed as one of the exceptions in paragraph 149(g) of the Framework. Developments under this exception must not, however, have a greater impact on the openness of the Green Belt than the existing development. This is not the case with the proposed development which, for the reasons outlined above, would have a greater impact on the openness of the Green Belt.
25. The appellant has referred to the fact that the Council indicated that the scheme would be recommended for approval. Although this may have caused some understandable frustration to the appellant, it is not a reason to allow the appeal.

### **Planning Balance**

26. The proposal would constitute inappropriate development in the Green Belt. When considered as a whole, moderate to significant harm would be caused to the openness of the Green Belt. The substantial weight to be given to Green Belt harm arising from the proposal would not be clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposed development would not accord with the Green Belt aims of the Framework and Local Plan Policy.

### **Conclusion**

27. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

*A M Nilsson*

INSPECTOR