
Appeal Decision

Site visit made on 15 February 2022 by A J Sutton BA (Hons) DipTP MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2022

Appeal Ref: APP/G1630/D/21/3286209

Jasmine Cottage, Boddington Lane, Boddington, Cheltenham, GL51 0TJ

- 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 Jimmy and Michelle Walsh against the decision of Tewkesbury Borough Council.
 - The application Ref 21/00877/FUL, dated 11 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is described as 'Double side storey and single rear storey extension'.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appellants have submitted an additional plan as part of the appeal, which shows their understanding of development which would be allowed under Permitted Development (PD) rights. The Council has had the opportunity to comment on this new evidence and the appellants have had the chance to respond. Therefore, I am content that no party would be disadvantaged by my accepting this plan.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

5. The Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy SD5 of the Gloucester,

Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) states that to ensure the Green Belt continues to serve its key function, it will be protected from harmful development and that development will be restricted to those limited types of development deemed appropriate by the Framework.

Whether Inappropriate Development

6. The construction of new buildings should be regarded as inappropriate in the Green Belt. However, the Framework identifies exceptions which include, at paragraph 149 c), 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. The Council's officer report highlights that there are no specific guidelines regarding proportionality, but a 50% increase in size is generally applied by officers of the Council and it considers that anything above this would be considered disproportionate. Neither the policies of the JCS or the Framework define 'disproportionate' however.
8. The proposal would increase the internal floor area of the dwelling by approximately 150%, and while this is only one measure of size, it would more than double the width and substantially increase the volume of the existing dwelling. This would extend the built form considerably beyond the existing development envelope to the east. The proposed rear gable protrusion would also significantly increase the dwelling's mass and scale, expanding the two-storey structure significantly when seen from the side and rear. Overall, it would substantially enlarge the existing small dwelling and result in a much larger built form on the plot. Therefore, it would result in disproportionate additions over and above the size of the original building. Consequently, the proposal would not qualify as an exemption as set out in paragraph 149 c) of the Framework.
9. I find, for the reasons outlined above, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

10. Jasmine Cottage and its paired dwelling are in a rural hamlet comprising a small number of scattered properties. They are surrounded by open countryside to the rear and side and paddocks to the front beyond the lane.
11. The proposal would extend the dwelling substantially to the side and would fill a sizeable part of the existing undeveloped space to the side of the property. This would result in both a visual and spatial change which would reduce the openness of the Green Belt in this area. The harmful effect on the openness to the Green Belt would be limited and localised to the immediate surroundings of the dwelling. Nevertheless, having regard to the Framework I give substantial weight to this harm.

Other Considerations

12. Very special circumstances to justify inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is outweighed by other considerations.

13. The extension at Laburnham Cottage was permitted in a policy context which significantly predates current JCS and Framework Green Belt policies. The mass of the original cottages has been unbalanced by the sizeable extension at that property. However, it has two front gables which help retain a degree of symmetry with the gables on the original cottages and there remains some rhythm and balance in their combined forms as a result. Therefore, the existing addition is sympathetic and not harmful to the host dwelling, the paired properties, or the street scene.
14. The appeal proposal would create a dwelling with a footprint and mass which roughly matches Laburnham Cottage, but while it would result in some sense of balance in terms of scale, it would not rectify any existing harmful feature in the street scene. The circumstances in this appeal are therefore different in this regard to that applicable to the Church Road appeal decision¹. Furthermore, this proposal would not result in the removal of unsympathetic or incongruous existing features, a reduction in sprawl of development or a significant improvement to the property or street scene as in that case. Consequently, I attach limited weight to the benefits of providing some balance to this pair of dwellings.
15. Development under PD rights is a realistic option open to the appellants, and a possible fallback position in this case if this appeal was not allowed. The Development Parameters plan submitted shows the potential configuration of a two-storey side/rear extension. However, given the limited information provided, I cannot be certain that it would comply with the limitations, conditions and restrictions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
16. Furthermore, I have no details of the height or elevational design being put forward for this alternative, so cannot conclude that the appeal proposal would result in a better design than would be achieved under PD. In any event, the extension indicated on that plan would be substantially smaller in footprint than what is before me, and consequently would not have the same impact on openness or in relation to the scale of the original dwelling. Given the difference in size, I do not agree that the difference in impact on openness would be negligible. Accordingly, I can give the potential PD fallback position no more than moderate weight.
17. A high quality of design is to be expected in all development and this is a neutral factor in this case. It has not been demonstrated that this proposal would be the only means of increasing the family living space desired by the appellants, and this alone would not be a justification for the harmful development in the Green Belt. The economic benefit derived through construction of the extension would be limited given the amount of development proposed. I note that there has been no objection to the proposal from neighbours or the Parish Council, but this would not justify harm to the openness of the Green Belt. I therefore give these matters limited weight.
18. I have had regard to all the examples of development provided, where the Council has permitted extensions which increase the original floor area of properties. I have not been provided with the full details of these cases, the circumstances or considerations which resulted in these permissions. The examples in the Parish of Boddington are some distance away from the appeal

¹ Ref Appeal Decision APP/J1915/D/19/3222748

property, east of the motorway and just set back from the A4019. These permissions also predate policies of the JCS, and the policy context was different in this regard to that relevant to this proposal. None of the permissions granted in 2020 were in the village of Boddington. More significantly, with the exception of one, all these developments resulted in a 50% or less increase in floor area and in this regard, they are distinctly different to this proposal.

19. A development resulting in a 115% increase in the size of an original building in Badgeworth was permitted because PD rights were considered a realistic fallback option that amounted to very special circumstances. In that case the proposal amounted to a much smaller increase in development than that allowed under PD rights. Furthermore, the percentage increase in built form permitted by that decision was still significantly smaller than the scheme before me. None of these permissions are therefore directly comparable with this proposal, and I attached limited weight to them for this reason.
20. I note the similarities in the policy context for the Old Quarry House appeal decision in that there were no specific guidelines as to what was considered disproportionate.² The Inspector in that case concluded that a 72% increase in size was not disproportionate and, consistent with the approach I have taken above, they considered a range of factors in reaching that conclusion. However, the extension subject of that appeal was situated between two existing projections and did not extend the built form of that dwelling beyond the envelope of the existing development. It was very different in this respect therefore to this proposal. The size increase considered to be proportionate in that appeal was also substantially less than is proposed here. I therefore attach limited weight to that appeal decision.

Whether Very Special Circumstances Exist

21. I find that this proposal would be inappropriate development in the Green Belt and would lead to a reduction in openness of the Green Belt. I attach substantial weight to the resulting harm. The other considerations in this appeal would not outweigh this harm and therefore the proposal would conflict with policies of the JCS in this regard. Nor would the other considerations clearly outweigh the harm to the Green Belt, as required by the Framework.
22. Consequently, the very special circumstances that are necessary to justify the development do not exist. The proposal therefore would conflict with Policy SD5 of the JCS and the Green Belt policies of the Framework. There are no other considerations which outweigh this finding.

Conclusion and Recommendation

23. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

² Ref APP/Y3615/W/18/3202309

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

L McKay

INSPECTOR