



Appeal Decision

Site visit made on 22 February 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2022

Appeal Ref: APP/W4705/D/21/3286306

Green Meadows, Bradford Road, Burley In Wharfedale LS29 7QS

- 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 Dominic Pearson against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/03275/HOU, dated 20 May 2021, was refused by notice dated 13 August 2021.
 - The development proposed is conversion of existing detached garage to residential annex, single storey link extension and proposed single storey detached garage to front.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In Part E of the appeal form it is indicated that the description of development has changed to a description which accords with that set out in the Council's Decision Notice. This also reflects the details in the appellants written evidence. Accordingly, I have used this amended description in the heading above.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the host property and the area; and
 - Would any 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 proposal.

Reasons

Whether Inappropriate Development

4. The appeal site is within the Green Belt. The National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt

- are inappropriate, subject to a number of exceptions. The appellant accepts that the proposal would be inappropriate development within the Green Belt.
5. That said, the proposal consists of two separate new buildings, firstly the single storey link extension and secondly the single storey detached garage.
 6. The appellant submits that the garage is not fundamental to the proposal and that they would be prepared to accept that this is not included within a planning permission. The garage would be physically and functionally divisible from the remainder of the proposal, and it would therefore be possible to exclude the garage through a split decision on this appeal.
 7. Nevertheless, it is necessary to assess whether the other new-build element of the proposal would be inappropriate development i.e. the single storey link extension. Paragraph 149 of the Framework sets out that the extension of a building would not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
 8. The Council Officer's report states that previous extensions to the dwelling have increased its floorspace by approximately 70%. This reflects evidence in respect of the planning history of the site, including plans of previously permitted development.
 9. Reference has been made to the Householder Supplementary Planning Document (SPD) which sets out that where extensions in the Green Belt result in an addition of over 30% of the original cubic volume, they are likely to be considered disproportionate. Whilst this is guidance, and refers to volume rather than floorspace, the evidence suggests that additions arising from previous development at the property and the proposed extension would be significantly above the 30% referred to in the SPD. On the basis of the evidence before me, the proposed extension would represent a disproportionate addition over and above the size of the original building, even if the garage is excluded from the assessment.
 10. I therefore conclude that the extension taken by itself as well as in combination with the garage would be inappropriate development within the Green Belt.

Openness

11. Both the extension and the garage would introduce built development onto land which is currently open.
12. The garage would be readily visible in the front garden of the property. However, given its limited scale the effect on openness would be limited.
13. The extension would cover a larger area than the garage, but would not be as visible. On that basis, the effect of the extension on openness would also be limited.
14. I therefore conclude that the garage and extension would lead to limited harm in relation to the openness of the Green Belt, considered individually and cumulatively.

Character and Appearance

15. The appeal site is located at the end of a line of three substantial dwellings in large plots leading from Bradford Road. Despite the limited number of

dwelling, the building line to the front is well-defined and the open landscaped aspect of the front gardens is a defining feature.

16. Within that context, the proposed garage would appear as incongruous clutter located within the front garden of the appeal site. Although garages of the scale and design proposed are a common feature within residential curtilages, this would not mitigate for the awkward appearance of the proposed garage within the front garden of the property.
17. The proposed extension would consolidate the extent of built development in the site, as it would connect the detached garage to the host dwelling. However, the extension would not be readily visible from the surrounding area. Even when viewed from directly in front of the property, the extension would be significantly screened by the existing building, and the consolidation of development on the site would not be particularly apparent from the front or the wider area. Due to its limited extent and single storey design, the extension would clearly be subservient to the existing buildings. The concerns of the Council on matters including the scale and offset nature of the extension are overstated, and do not reflect my own observations of the potential effects from the proposed extension.
18. I conclude that, due to its siting, the proposed garage would lead to unacceptable harm to the character and appearance of the host property and the area. However, the garage could be excluded from the planning permission. On that basis, the proposed extension on its own would not harm the character and appearance of the host property or the area due to its limited scale and visibility. The extension would therefore not conflict with policies DS1 and DS3 of the Core Strategy as well as BW1 and BW2 of the Burley-in-Wharfedale Neighbourhood Plan 2018 (the Neighbourhood Plan) with regards to achieving good design as well as integration with the existing settlement pattern and the landscape. It would also not conflict with the advice of the SPD in respect of the design principles for extensions.

Other Considerations

19. The appellant refers to previous planning permissions for a two storey extension and porch which have not been implemented. I have some sympathy with the appellant's contention that the previously approved extensions would have had a greater impact in respect of openness as well as character and appearance than the proposed extension. However, it has not been demonstrated that the previous unimplemented planning permissions are still extant, and on that basis they do not weigh in favour of the appeal as fall-back schemes. Whilst the Council has previously permitted extensions at this site which I consider would be of a greater scale and bulk than the current proposal, due to the status of these permissions this carries limited weight in favour of the appeal. More fundamentally, these permissions do not lead me to different conclusions on inappropriateness and openness in respect of the appeal proposal.
20. I am mindful of the appellant's intention to provide accommodation for their family. However, this is a private benefit and I have been given little evidence in respect of the circumstances of their relatives. Accordingly, I can only afford limited weight to this matter in favour of the appeal.

21. The appellant submits that the proposal would not be harmful to the Green Belt's strategic objectives or its visual amenity. However, the Framework sets out that the essential characteristics of Green Belts are their openness and permanence, and for the reasons stated previously the proposal would harm the openness of the Green Belt, albeit to a limited degree, as well as lead to harm arising from inappropriateness. Consideration of strategic objectives or the visual amenity of the Green Belt would not negate the identified harm.

Planning Balance and Conclusion

22. Drawing the above together, I conclude that the proposal would be inappropriate development in the Green Belt, in respect of the proposal as a whole and the extension considered independently of the garage. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm. I have also concluded that the proposal would lead to limited harm to the openness of the Green Belt.
23. On the basis that the garage can be excluded from any planning permission, the proposed extension would not lead to harm in respect of character and appearance. However, a lack of harm is not a benefit and this is a neutral factor in the planning balance.
24. I have considered the planning history of the site and the circumstances of the appellant's family, but these matters carry only limited weight in favour of the proposal.
25. The other considerations do not clearly outweigh the harm that I have identified in respect of inappropriateness and openness. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with policy SC7 of the Core Strategy and policy BW2 of the Neighbourhood Plan with regard to development within the Green Belt. The proposal would also be contrary to the Framework in respect of protecting Green Belt land.
26. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR