



Appeal Decision

Site visit made on 8 March 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2022

Appeal Ref: APP/W4705/D/22/3291206

The Grange, Stoney Ridge Road, Bradford BD16 1UN

- 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 M A Choudhury against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/05610/HOU, dated 5 November 2021, was refused by notice dated 17 December 2021.
 - The development proposed is two-storey side extensions.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice cites conflict with Policy SC7 of the Bradford Core Strategy Development Plan Document (2017) (the CS). However, as this policy is concerned with the release of Green Belt land and review of its boundaries, rather than individual applications for development in the Green Belt, it has limited relevance to this appeal.

Main Issues

3. As the appeal site is within the Green Belt, the main issues are:
 - Whether the proposal amounts to 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 its surroundings; and
 - If the proposal is inappropriate development, whether 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 proposal.

Reasons

Inappropriateness

4. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a number of listed exceptions. These include 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.

5. The Framework does not define what constitutes 'disproportionate'. However, the Council's Householder Supplementary Planning Document (SPD) usefully sets out that extensions in the Green Belt which result in an addition of over 30% of the original cubic volume are likely to be considered disproportionate.
6. The proposal would add two-storey extensions to both sides of the host building. It is not in dispute that these additions would be significantly above the 30% threshold referred to in the SPD. Moreover, even putting aside a purely numerical assessment, in considering the increase in the size of the original building reasonably and objectively, the proposal would be a substantial increase in the size of the original building, and would, in my planning judgement, result in a disproportionate addition.
7. Accordingly, I find that the proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt.

Openness

8. The fundamental aim of including land in the Green Belt is to prevent urban sprawl by keeping land permanently open, which serves a number of purposes including safeguarding the countryside from encroachment. The essential characteristics of Green Belts are their openness and their permanence. Openness has generally been held to be the absence of development and it has both a spatial and visual aspect.
9. The appeal building sits within spacious grounds beyond the built-up area. As the proposal would add built footprint and volume to the host building, it would result in the presence of a larger building in the Green Belt. This would cause a spatial loss of openness in the Green Belt.
10. In addition, whilst there is extensive mature tree cover between the road and building, it was evident during my site visit that these trees provide very little screening when not in leaf. There would be some screening from the rising topography, but only at ground floor level. Consequently, the upper part of the extensions would still be visible to passers-by, and would be seen to alter the form and core shape of the building creating a sense of a notably wider building. Thus, I find that the proposal would result in this part of the Green Belt being less open than it is at present, both spatially and visually.
11. Furthermore, although the development would not extend beyond the curtilage of the property, the outward expansion of the existing building would fail to assist in safeguarding the countryside from encroachment, contrary to one of the purposes of including land in the Green Belt.
12. For these reasons and on consideration of the scale of the development, I conclude that there would be moderate harm to Green Belt openness and harm to one of the purposes of including land in the Green Belt.

Character and appearance

13. The appeal building is an attractive stone-built property of traditional design. Separate to its effect on openness, I am satisfied that the design and scale of the development including complementary materials, fenestration and decorative details, would harmonise with the host property. The much lower ridge line and eaves, together with the set back behind the front and rear elevations, would also achieve an appropriate degree of subordination.

Consequently, the development would be sympathetic to the character and appearance of the dwelling and its surroundings.

14. I therefore conclude, on this issue, that the development would not cause harm to the character or appearance of the host property and its surroundings. In this regard, the proposal complies with the good design requirements of Policies SC9, DS1 and DS3 of the CS, and the SPD.

Other considerations

15. The appellant has advanced a 'fallback position' based on a development that was subject to a certificate of lawful development described as "Extensions to existing dwelling and construction of detached ancillary outbuilding", and an 8m deep single-storey rear extension which the Council issued a decision notice confirming prior approval was not required. It is argued that the fallback position would have worse effects than the appeal proposal.
16. The Council's officer report implies that such considerations are not relevant. However, the consideration of a fallback position, including what could be erected under permitted development rights, is a well-established principle. The appellant has indicated that, should the current appeal be unsuccessful, it would be the intention to build the permitted development schemes. Given the effort spent advancing both options to date, and having regard to the stated need for the accommodation, I consider that there is more than just a theoretical possibility of the fallback position actually taking place.
17. If they were all carried out, the fallback position would give rise to an increase in floor area and volume in excess of that which would be occasioned by the appeal scheme now before me. In addition, the flat roof design of the single-storey side and rear extensions of the fallback position would relate poorly to the host property. However, in contrast to the appeal scheme, the single-storey side extensions would have little, if any, visibility from outside the site. The same would be the case for the other developments to the rear of the building, as all would be well screened by the topography and existing buildings. As a consequence, the visual effect of the fallback position, including in respect of Green Belt openness, would be limited.
18. Moreover, apart from the single-storey side extensions, there is a physical possibility that both the appeal scheme and the fallback position could be carried out, thus negating part of the appellant's fallback argument. Such an eventuality cannot be guarded against by the imposition of a condition, and there is no other appropriate mechanism before me to prevent this scenario.
19. In light of the above, I do not consider that the fallback position would be significantly more harmful than the appeal scheme. Accordingly, the weight that I attach to the fallback position is minimal.

Green Belt Balance

20. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would also result in a loss of openness and conflict with one of the purposes of including land within the Green Belt.
21. In accordance with Paragraph 148 of the Framework, substantial weight is to be given to any harm to the Green Belt. Very special circumstances will

not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

22. On analysis of all the above, I find that the other considerations in this case would not clearly outweigh the totality of the Green Belt harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal is therefore contrary to the Framework.

Conclusion

23. Although I have not identified harm in respect of character and appearance, the harm to the Green Belt, and conflict with the Framework in this regard, provide a clear justification for finding the scheme to be unacceptable. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR