



Appeal Decision

Site visit made on 7 February 2022 by Darren Ellis MPlan

Decision by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/N3020/D/21/3284966

14 Bank Hill, Woodborough NG14 6EF

- 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 G Singh against the decision of Gedling Borough Council.
 - The application Ref 2020/1028, dated 13 October 2020, was refused by notice dated 26 July 2021.
 - The development proposed is the erection of treble garage with a linking roof/covered walkway.
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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.

Procedural Matter

3. During the course of the original application the appellant and the Council agreed to amend the wording of the description of the proposed development. I have therefore used the amended description in the banner heading above.

Main Issues

4. The appeal site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the 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 it.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. Paragraph 149 of the National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in
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certain circumstances, including paragraph 149(c) where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.' It does not however define 'disproportionate'. Consequently, an exercise of judgement will be required in assessing the proposal given its scale and context.

6. Policy 3 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (September 2014) (ACS) and Policy LPD13 of the Gedling Borough Local Planning Document Part 2 Local Plan (July 2018) (LPD) align with the Framework as they seek to protect the Green Belt. Policy LPD13 also states that, for extensions to buildings in the Green Belt, the floorspace of the building should not increase by more than 50% over the floorspace of the original building. The policy further sets out criteria that all extensions in the Green Belt must achieve, including to not have a detrimental impact on the openness of the Green Belt.
7. The appeal property is a two-storey detached dwelling that has previously been extended. The proposed development would see a detached triple garage erected to the front of the dwelling, with a covered walkway linking the garage to the dwelling.
8. The Council states that existing extensions have increased the floorspace of the property by adding 184 square metres of floorspace to its original 232 square metres, and that the proposed garage would add a further 67 square metres. The Council calculates that the extended floorspace together with the proposed garage would be an increase of 108% above the floorspace of the original building. The appellant has not contested these figures.
9. The supporting text of Policy LPD13 states in paragraph 6.3.4 that increases in floorspace above 50% may be permitted when it is a small increase above 50% and there are other clear and demonstrable benefits. However, the proposed 108% increase to the floorspace of the original building would substantially exceed the 50% threshold and could not be deemed to be a small increase above 50%.
10. The Framework refers to not resulting in disproportionate additions over and above the size of the original building. Size is more than a function of floorspace and includes bulk, mass, and height. From the information before me, the proposed garage/linking walkway and existing extensions would, as a matter of judgement, cumulatively amount to a disproportionate increase above the size of the original building. The cumulative increase in floorspace would be substantial in terms of the numerical calculation alone. In addition, the proposed garage and link would extend significantly forward of the existing dwelling and thereby visibly further increase its scale and bulk. The proposal would therefore be a disproportionate addition for the purposes of Policy LPD13 and with the Framework. Accordingly, it would be inappropriate development which is, by definition, harmful to the Green Belt.
11. The appellant has suggested that the proposal could be considered an exception under paragraph 149(e) of the Framework for limited infilling in a village. The terms 'limited' and 'infilling' are not defined in the revised Framework and therefore it is a question of fact and planning judgement as to

whether a development constitutes limited infilling or not, for example, to the nature and size of the development itself, the location of the application site and its relationship to other, existing development adjoining and adjacent to it. The proposed garage would project forwards of the predominant building line of the adjacent properties and its position would not fill in any gap between the appeal property and the adjacent buildings. Consequently, the proposal would not constitute limited infilling.

Openness

12. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.¹
13. I have been referred to the Euro Garages High Court Judgement², which concluded that rather than treating any change as having a greater impact on openness of the Green Belt, the correct approach is to consider the impact or harm, if any, wrought by the change. Whether or not any change will have an adverse impact, and so cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.
14. It is evident that the previous extensions to the dwelling, by volume, scale, extent and bulk have already had some impact on the openness of the Green Belt. In my opinion, having regard to the size and position of the proposed extension, there would be an added perceptible effect by reducing the existing open area at the front of the dwelling.
15. However, the backdrop of the existing dwelling and the overall extent of the curtilage of no.14 would ensure that the resultant harm would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and paragraph 148 of the Framework identifies that substantial weight should be given to any harm to the Green Belt. Furthermore, the proposal would fail to satisfy criterion b)iv of Policy LPD13. I attach limited weight to the loss of openness accordingly, in addition to the harm by reason of its inappropriateness.
16. I have also given consideration to the appellant's comments in relation to paragraph 138 of the Framework and the five purposes of Green Belt. Although it is suggested that none of the purposes would be harmed, the proposal remains inappropriate by definition.

Other Considerations

17. I understand the appellant's desire to provide garaging facilities for his motor vehicles. It is admitted that this is a personal aspiration that does not amount to very special circumstances. Rather, it is suggested that this aspiration would not result in significant harm on matters of recognised importance and, if there were residual harm, the benefits of the proposal would outweigh such harm. Whilst acknowledging that the proposal would occupy an area already used by cars parked in the open, such benefits carry limited weight.

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

² Euro Garages Ltd v SSCLG & Anor[2018] EWHC 1753 (Admin)

18. The frontage of the site lies within the Woodborough Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Council has concluded that the design and siting of the garage would not be detrimental to the character and appearance of the Conservation Area. Based on the evidence before me, I have no reason to disagree.
19. I acknowledge that no objections were received from members of the public or local bodies. However, the absence of an objection does not alter my conclusion on the harm that would be caused.

Planning balance and Conclusion

20. The development causes harm to the Green Belt by way of its inappropriateness and to its openness, and the Framework establishes that substantial weight should be given to any harm to the Green Belt.
21. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Although limited weight is attached to the other considerations that are raised by the appellant, they do not clearly outweigh the totality of the harm I have identified above. Consequently, the very special circumstances necessary to justify the development do not exist.
22. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed because of the conflict with the development plan and there being no material considerations which indicate that a decision should be made other than in accordance with the development plan.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree with the recommendation and shall dismiss the appeal.

David MH Rose

INSPECTOR