



Appeal Decision

Site visit made on 22 March 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2022

Appeal Ref: APP/X1355/D/22/3292816

Burntwood Cottage, Stoney Lane, Beamish, DH9 0SJ

- 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 Mark Satchwell against the decision of Durham County Council.
 - The application Ref DM/21/02247/FPA, dated 22 June 2021, was refused by notice dated 24 November 2021.
 - The development proposed is a two storey extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application form identifies Mr Hannah Angus as the applicant, subsequent correspondence with Durham County Council clarified that Mr Mark Satchwell was the applicant. I am satisfied that no party is disadvantaged in this regard, and I have determined the appeal on this basis.
3. The description of development detailed above is taken from the application form. However, I note that this description omits significant elements of the proposed works. In addition to the two storey extension, the submitted plans also show the extension of the existing single storey entrance/utility building and a glazed canopy the full depth of the building, including the proposed extension. Reference is made in supporting documentation to an extension to the existing garage outbuilding by way of a carport, this is not detailed on the submitted plans. I have determined the appeal on this basis.

Main Issue

4. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - ii. The effect on the openness of the Green Belt.
 - iii. 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 proposal.

Reasons

Whether inappropriate development

5. The Council Decision Notice refers to Policy 20 of the Durham County Plan 2020 that simply states “development proposals within the green belt will be determined in accordance with national planning policy” and Part 13 of the National Planning Policy Framework that relates to Green Belts.
6. Paragraph 149 of the Framework details that the construction of new buildings in the Green Belt is inappropriate. Exceptions to this are, of particular relevance to the appeal scheme, “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. Annex2: The Glossary to the Framework defines that the Original building is the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. In this instance the Original building is the building as it existed on 1 July 1948.
8. The appellant has provided a plan titled ‘Building Footprint Analysis’ that shows a remarkable consistency in the footprint of the building on annotated plans dated 2021, 1970, 1939, 1920 and 1890, only varying between 122m² and 126m². While I note the earlier demolition of other terraced properties these were separate, to the appeal property, residential dwellings. I note that this analysis is restricted to the footprint of the building and as such would not consider the impact of additional floors or the overall scale and bulk of the building.
9. The Council has referred to ‘existing’ plans that accompanied application reference 77/0245/FUL for a bedroom, bathroom, utility room and kitchen extension. While a copy of this plan has not been submitted as evidence in respect of this appeal, the council describe the “remaining original building has a ground floor footprint of approx. 63m²”. Presumably the “small lean-to out-houses attached to the rear elevation” are in addition to this figure and while these structures are a material consideration, no substantive evidence regarding their scale, height and mass has been submitted. I am also aware that these structures were replaced by the extension detailed within 77/0245/FUL, which itself was later altered.
10. The subsequent extensions, including that proposed in this appeal, are described by the Council as having a floor area of “around 181m²” in addition to the 63m² identified previously.
11. The appellant’s own analysis identifies that the proposed extension “results in a cumulative increase of c.56% to the footprint of the original building”. In terms of gross floor space the appellant identifies a “cumulative increase of 91% to the original building”. While these figures are lower than that detailed by the Council, the evidence nonetheless demonstrates that the extensions are significant.
12. I saw at the site visit that, as it stands today, the appeal property is a large, detached house that has previously been extended, set within generous landscaped grounds with a number of outbuildings. The submitted plans show that the appeal scheme, consisting of the full width two storey extension, the

single storey entrance/utility building and the glazed canopy, is a significant increase in built development in itself and in proportion to the appeal property.

13. On the basis of the evidence before me I find that the appeal scheme would be a disproportionate addition to the original dwelling. As such, the appeal scheme does not benefit from exemption c) of Paragraph 149 of the Framework and is therefore inappropriate development in the Green Belt and contrary to Policy 20 of the Durham County Plan 2020.

Openness

14. Openness is an essential characteristic of the Green Belt and openness has a spatial aspect as well as a visual aspect. The appeal site and proposed extensions are situated in a prominent roadside position and thus is visible to the surrounding area, including from the adjacent road.
15. In that the bulk of the building would be increased by additional built development, the proposal would reduce the openness of the Green Belt and while the loss of openness would be minimal in the context of the overall size of the designated Green Belt, the Framework nonetheless indicates that substantial weight should be given to any harm to the Green Belt.
16. To conclude, the appeal scheme would harm the openness of the Green Belt contrary to guidance set out in the Framework.

Other Considerations

17. The appellant has described a fallback position through the use of permitted development rights to undertake extensions to the property that would result in development of a similar, but nonetheless notably smaller scale.
18. In the absence of any detailed plans or firm proposals, other than the broad description of a potential scheme it is my planning judgement that it has not been demonstrated that there is more than a theoretical possibility that the development described by the appellant might take place.
19. In any event, it has not been demonstrated that the fallback scheme would be significantly more harmful than the appeal scheme. Indeed, on the basis of the evidence before, as a result of the reduced scale of the fallback scheme, it would likely be less harmful than the appeal scheme.
20. It is not at dispute between the parties that the design of the appeal scheme is not harmful and is ultimately sympathetic to the site and context, the use of appropriate external materials could be subject of an appropriately worded condition. However, the absence of harm in this instance does not outweigh the harm I have identified previously. No substantive evidence has been submitted to me to demonstrate that the appeal scheme would result in visual or environmental improvements such that would improve appearance and increase openness.
21. The creation of improved accommodation is largely a private benefit to the appellant and does not outweigh the harm I have identified previously.

Conclusion

22. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a minimal loss of openness.
23. On the other hand, the appeal scheme while larger, is not dissimilar to a fallback scheme described by the appellant. However, these other considerations do not clearly outweigh the totality of harm which is the test that they have to meet. Consequently, very special circumstances do not exist.
24. For the reasons given the overall conclusion is therefore that the appeal should fail.

Mr M Brooker

INSPECTOR