
Appeal Decision

Site visit made on 12 April 2022 by G Sibley MPLAN MRTPI

Decision by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2022

Appeal Ref: APP/P0240/D/21/3284642

50 Holywell Road, Studham LU6 2PD

- 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 Simon Lupson against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/01425/FULL, dated 24 March 2021, was refused by notice dated 24 September 2021.
 - The development proposed is two storey front and side extension, single storey front garage extension.
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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.

Preliminary Matters

3. The site is located within The Chilterns Area of Outstanding Natural Beauty (AONB). The Council has concluded that because the proposal looked to extend a single dwelling within a built-up area as well as the overall siting, scale and design of the proposal that the extension would not harm the character and appearance of the AONB. Based on the information before me the proposal would preserve the landscape character and scenic beauty of the AONB, and I see no reason to disagree with the Council on this matter.
4. Whilst the Central Bedfordshire Design Guide (adopted 2014) was adopted prior to the adoption of the Central Bedfordshire Local Plan 2015-2035 (LP) (adopted 2021), it is directly referenced to support specific policies in the LP and is used as technical guidance for development management purposes. The appellant states that Section 7 was adopted in 2021 and was not subject to Regulations 11 to 16 of the Town & Country Planning (Local Planning) (England) Regulations 2012. Nevertheless, the document that I have been provided with does not state that it was adopted in 2021. Based on the information before me, the Design Guide that was adopted in 2014 was split into separate sections and Section 7 is part of this overall Design Guide. The Design Guide is referred to in Policy HQ1 which relates to high quality development and specifically extensions which is clearly relevant to the proposal. Moreover, the supporting text for Policy SP4 states that high quality design principles will be applied and that further detail is given in the Design

Guide. Therefore, Section 7 of the Design Guide is a material consideration for this appeal.

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies
- the effect on the openness of the Green Belt
- the effect of the proposal upon the living conditions of the occupiers of No 48 Holywell Road with regard to outlook
- if the development is inappropriate, whether the 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

Whether inappropriate development

6. The Framework establishes that new buildings within the Green Belt are inappropriate development subject to a number of exceptions (paragraph 149). This includes the exception in paragraph 149 c) for the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. LP Policy SP4 states that national Green Belt Policy will be applied. Section 7 of the Design Guide states that as a guiding principle in order to be considered as proportionate the original building should not be added to by more than 60%. The impact of the extension in terms of floorspace, volume, massing and design will be considered.
8. The Council state that the proposed extension alongside the existing additions to the building would result in the footprint of the building being extended by approximately 107% and the floorspace increased by around 87%. The appellant does not contend these figures.
9. The original building has had several single storey extensions to the front and the rear of the dwelling. The proposal would replace some of these extensions to the front of the dwelling with a two-storey extension that would extend across almost the full width of the property. This would create a significantly deeper dwelling and this additional depth, over two storeys, would introduce a large bulky addition to the front of the original building.
10. The proposal would replace the existing side facing dormer window with a full first floor addition. Whilst the existing side facing dormer window is relatively bulky the extended roof over the first floor of the dwelling would result in a larger and wider building over two storeys.
11. Whilst the extension to the garage would be single storey, it would extend a significant distance forward of the host dwelling and this would contribute to

the elongated form of the building which would contribute to the disproportionate scale of the proposed extensions.

12. The proposal would result in the replacement of the single storey extensions to the front of the dwelling, nevertheless, the proposed extensions would be much larger in scale than those that would be replaced. When combined with the existing additions, the proposal would result in disproportionate additions over and above the size of the original building. Accordingly, the proposal would be inappropriate development in the Green Belt contrary to LP Policy SP4, the Design Guide as well as paragraph 149 c) of the Framework.

The effect on openness

13. The proposal would introduce a large two storey front extension which would increase the visual scale of the building when viewed from either side. This would have a greater visual impact than the existing single storey extensions that would be replaced. Moreover, the proposal would increase the width of the roof which would create a larger dwelling when viewed from the roadside. Additionally, while the extension to the garage would be single storey this would still extend a significant distance beyond the front elevation of the dwelling, increasing the elongated form of the house. Taken all of the above into account, the proposal would erode the visual openness of the Green Belt.
14. The first-floor side extension and roof over this section of the proposal would be a minor addition within the existing form of the dwelling and would have a limited impact upon the spatial aspect of the Green Belt. Whilst the proposal would involve the demolition of the existing single storey additions to the front of the house, the proposal would still introduce a large two storey extension to the front of the house where there currently is no built form of such scale. Additionally, whilst the extension to the garage would be single storey it would also introduce new built form into the Green Belt. Accordingly, the proposal would erode the spatial openness of the Green Belt.
15. Consequently, the proposal would adversely affect both the visual and spatial openness of the Green Belt and have a greater impact on openness than the existing situation.

Living conditions

16. The existing garage extends slightly along the shared boundary with No 48 and the proposed single storey extension would extend beyond the front elevation of No 48 by a considerable distance. This boundary is currently divided by a large hedgerow that is much taller than the proposed extension and extends far beyond what is proposed. These hedgerows enclose the view from the front window which serves the living room for the property which is a habitable room. This room extends the full depth of the house and is served by a large area of glazing that overlooks the rear garden.
17. While the current hedgerows are tall and oppressive when viewed from this front room, they are not permanent buildings and could be removed or cut to be much shorter. In comparison, the proposed single storey front extension would be a permanent structure and would extend a significant distance beyond this front window. While the front extension would be shorter than the hedgerows, given that the current outlook is harmed by the hedgerows, a permanent structure in this location, even one that is shorter, would create a

perpetually enclosed outlook that would create a less pleasant and usable space for the occupiers of No 48. Given the scale of the proposal, the limited difference in ground levels between the two dwellings would not overcome this concern.

18. Therefore, the proposal would harm the living conditions of the occupiers of No 48 with regards to outlook. Consequently, the proposal would be contrary to LP Policy HQ1 and Section 7 of the Design Guide. These expect development proposals to ensure there is not an unacceptable adverse impact upon nearby existing or permitted uses, including impacts of amenity, noise or air quality. Additionally, the proposal would not accord with paragraph 130 f) of the Framework insofar as it states that development should create spaces that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other considerations

19. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The proposal would enhance and increase the functionality and floor space of the dwelling as well as modernising the building to secure contemporary standards. Nevertheless, given the scale of the development and because this would be a private benefit for the appellant, I attribute very limited weight to this consideration.
21. The proposal would conserve the landscape character and scenic beauty of the AONB. Nevertheless, this would be expected of any development within the AONB and carries neutral weight.
22. Notwithstanding that the house is within a settlement, the house is still located within the Green Belt and therefore Green Belt policy must still be applied.
23. The appellant has identified a number of dwellings in the local area that have been granted planning permission to be extended. The assessment whether an extension would be disproportionate is specific to each individual building and because there is variation in both the scale and appearance of those dwellings and No 50, there is limited comparisons that can be drawn between those approvals and this scheme. Moreover, the assessment is whether the proposal would result in disproportionate additions over and above the size of the original building, not whether the extended dwelling would be similar in scale to neighbouring properties. Consequently, I give these matters no weight.
24. Given the location and scale of the proposal it would not harmfully affect the five purposes of the Green Belt as set out in paragraph 138 of the Framework. Nevertheless, I have found that it would harm the openness of the Green Belt which the Framework identifies as one of its essential characteristics.

Whether very special circumstances exist

25. The proposed development would cause harm to the Green Belt by reason of inappropriateness and the reduction in the openness of the Green Belt and I

attach substantial weight to those harms. The proposal would conflict with LP Policy SP4, the Design Guide as well as paragraph 149 of the Framework. The other considerations of the scheme do not, either individually or cumulatively, clearly outweigh the harm to the Green Belt. Moreover, the proposal would harm the living conditions of the neighbouring occupiers. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

26. Due to the identified conflict with the development plan as a whole and the Framework and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Baxter

INSPECTOR