

Appeal Decision

Site visit made on 5 September 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2022

Appeal Ref: APP/G4240/D/22/3300122

122 Joel Lane, Hyde SK14 5LN

- 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 David Bird against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00030/FUL, dated 13 January 2022, was refused by notice dated 25 March 2022.
 - The development proposed is described as 'existing roof to be raised to create additional first floor space, rear extension, roof removed with new roof design added. New dormers added to the front elevation'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt; and
 - If it is 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 the development.

Reasons

Whether inappropriate development

3. The appeal site comprises a detached dormer bungalow on the south-western side of Joel Lane within the Green Belt. The property is set back from the road and includes an area of hardstanding to the front and a large garden to the rear. The surrounding area is largely residential and is characterised predominantly by bungalows and two storey houses on this side of the road, many of which have been extended and altered.
4. The Framework sets out in paragraph 149 several categories of new buildings which are not inappropriate development in the Green Belt. The categories in the Framework include the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the

size of the original building. Policy OL2 of the Tameside Unitary Development Plan adopted 2004 (UDP) relates to Green Belt and is broadly consistent with the Framework, in so far as it relates to the extension of buildings.

5. The appellant argues that paragraph 149 of the Framework should not be applied to the proposal as it is not for a new building. However, the exception at part c) of paragraph 149 specifically refers to extensions and alterations to buildings and it can therefore be taken that alterations and extensions to buildings do fall within the remit of this paragraph. The test in paragraph 149 c) requires an assessment of whether the proposal, in combination with any previous additions to the original building, results in a disproportionate addition in terms of its size. The Framework and UDP Policy OL2 do not specify what might be a disproportionate addition over and above the size of the original building. Consequently, this is a matter to be determined on a case by case basis.
6. There is no dispute between the parties that the property has been previously extended to the side and rear and a dormer extension has been added to the front roof slope. The appellant's figures indicate that the floor area of the existing building, including the existing extensions, is 244m². The proposal would increase the floor area to 351m², which would equate to an increase of around 43%. That would represent a substantial increase, even without taking into account that the original building has already been extended.
7. The proposal would result in a steeper roof pitch with a 1m increase in ridge height. It would include the addition of three large dormer extensions to the front roof slope and a large extension to the rear roof slope. Together these would result in the addition of a much bulkier roof structure than currently exists. Whilst the proposal would not increase the footprint of the building, in combination with the previous extensions to the original property, the scale and massing of the proposal would represent a significant increase in the size of the original building.
8. I conclude that the proposal would result in a disproportionate addition to the original building and would therefore be inappropriate development in the Green Belt. Such development is, by definition, harmful and is contrary to the guidance in paragraphs 147 and 149 of the Framework and UDP Policy OL2. The resultant harm should be given substantial weight in determining the appeal.

Openness

9. The Framework states that the essential characteristics of Green Belts are their openness and permanence. The proposed increase in the floor area, volume and height of the property would result in some loss of spatial openness. The proposal would be readily visible from public views along Joel Lane. Whilst properties within the surrounding area vary in style, size and height, the proposal would be more visually prominent than the existing development.
10. The proposal would result in limited harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. The proposal would conflict with the aims of the Framework and would be contrary to UDP Policy OL2 of the UDP which seek, amongst other things, to prevent harm to the Green Belt.

Other considerations

11. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
12. I sympathise with the appellant's personal circumstances and their desire to provide enlarged accommodation within the property. However, it has not been demonstrated that an enlargement of the size proposed is necessary or that the appeal proposal is the only approach to providing the accommodation sought without the harm that I have identified. Moreover, the Planning Practice Guidance¹ is clear that planning is concerned with land use in the public interest and the considerations outlined above are substantially private in nature. This matter carries only limited weight in favour of the proposal.
13. The appellant has referred to two other developments within the local area where a larger replacement dwelling and extensions have been granted permission. However, I do not have the planning history of these other developments or full details of the circumstances that led to the schemes being permitted. Accordingly, I cannot be sure that these are directly comparable to the appeal proposal, which I have considered on its own merits based on the specific site circumstances. I therefore afford limited weight to this consideration.
14. I note that the Council has found the design and appearance of the proposal to be acceptable and that it would not be harmful to the living conditions of neighbouring occupiers. Based on what I have seen and read, I have no reason to disagree with that assessment. However, the absence of harm in respect of these matters is effectively neutral rather than weighing in favour of the appeal proposal.

Conclusion

15. In conclusion, I have found that the proposal would be inappropriate development in the Green Belt. It would also harm the openness of the Green Belt. I have given only limited weight to the other considerations in favour of the proposal, and conclude that, taken together, they do not clearly outweigh the harm that the proposal would cause. Consequently, the very special circumstances do not exist to justify inappropriate development in the Green Belt. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR

¹ ID: 21b-008-20140306