



Appeal Decision

Site visit made on 6 September 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 September 2022

Appeal Ref: APP/B3030/D/22/3304117

Old Post House, Main Street, Gonalston, Nottinghamshire NG14 7JA

- 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 Bingham against the decision of Newark & Sherwood District Council.
 - The application Ref 22/00615/HOUSE, dated 23 March 2022, was refused by notice dated 12 May 2022.
 - The development proposed is the construction of a first floor extension and replacement of a conservatory with a two storey addition.
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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 National Planning Policy Framework (the Framework) and relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the building and surrounding area; and
 - if the proposal 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

3. The Old Post House is a detached brick dwelling at the southern edge of the village. It is set back from the highway with a large garden to its northern and eastern frontages and is prominently viewed from the road. The property has been extended substantially over time with numerous outbuildings and stands within a large plot.
4. It is proposed to demolish a conservatory on the eastern, front gable, and erect a two storey extension in its place to provide additional living space on the ground floor and an enlarged bedroom above. It would replicate the form and detailing of the existing two storey gable with large, glazed windows to the ground floor. The scheme also proposes a first floor extension above an

existing single storey lean-to projection on the western elevation, providing an enlarged bathroom. This would again replicate the form and detailing of the existing gables and finish flush with them.

Whether inappropriate development in the Green Belt

5. The appeal site is located within the Nottingham-Derby Green Belt where development is strictly controlled by Spatial Policy 4B of the Newark and Sherwood District Council Amended Core Strategy (2019) (ACS). This states that development proposals in the Green Belt will be judged according to the Framework. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in Paragraph 149. Under Paragraph 149 c), the extension or alteration of a building is allowed provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
6. The term 'original building' is defined in the Glossary of the Framework as 'A building as it existed on 1 July 1948'. This therefore requires a comparison between the original building and the building as proposed to be now extended, taking account of any existing extensions constructed since 1948. It is evident from the historic map extracts that in 1970 the dwelling had a relatively small footprint and the plans attached to a planning application in 1975 showed that at this date the building had a simple L-shaped plan with three rooms to each floor in the front range, a room on each floor at the rear, together with a small, rear lean-to. In the absence of any other accurate plans before this date, I consider that this most closely represents the size of the original dwelling.
7. The dwelling has been extended substantially since 1975, first extending the dwelling itself and later, most significantly, with the incorporation of its rear outbuildings. Just looking at the footprint alone without considering the volume of the extensions, these existing additions would clearly constitute disproportionate additions over and above the size of the original dwelling.
8. Although the scale of the appeal proposals may appear small in relation to the building in its current form, and indeed the replacement of the conservatory would reduce the overall footprint slightly, the addition of the proposed first floor elements would further compound the scale of the existing additions and could not therefore comply with Paragraph 149 c).
9. For these reasons, the appeal proposal would be inappropriate development in the Green Belt. It would therefore conflict with ACS Policy 4B and the Framework. Inappropriate development is, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

Effect on openness of the Green Belt

10. The Framework advises that openness is an essential characteristic of Green Belt policy. Openness has a spatial as well as visual dimension. The appeal property is clearly visible from the adjacent highway and the openness of the Green Belt is evident around the property and the wider area.

11. The existing single storey additions which would be affected by the appeal proposal are subservient building forms which have a limited impact on openness. The existing conservatory is also a relatively lightweight and transparent structure. The appeal proposal would be of two storeys, of solid brick and tile construction, with an increased prominence. It would spatially increase the form, volume and massing of the existing building and in doing so would result in a harmful loss of openness, albeit this would be limited given the scale of the proposal. This factor weighs somewhat against the scheme.

Character and appearance

12. Despite the cumulative impact of the extensions, which have affected its integrity as a modest cottage, the form of the building and its materials, together with the arrangement of openings and detailing to its front range, have enabled it to retain its attractive, traditional character. Furthermore, it contributes positively to the character of the surrounding area owing to its position in the settlement and spacious rural setting. Although it is not a Listed Building or in a Conservation Area it is entered on the Historic Environment Record as a local interest building.
13. The proposal has been designed to complement the host building through replicating the gable form and architectural detailing and using matching materials. The scheme has also been amended to ensure that the proposed side extension would be set in from the east elevation. The existing conservatory was also of no design merit. However, despite being relatively small in scale, the first floor additions would add considerably to the overall bulk of the building and create too much uniformity to the form of the elevations. It would make the building appear more symmetrical but the almost squaring off of the front three ranges would not be appropriate. Currently the existing single storey additions assist in breaking up the massing of the building and create more visual interest. It would further erode the traditional character of the original dwelling and therefore harm the contribution that the building makes to the local distinctiveness of the village.
14. The appeal proposal would have a harmful effect on the character and appearance of the building and surrounding area and would not accord with ACS Policy 9, Policies DM5 and DM6 of the Newark and Sherwood Allocations and Development Management, Development Plan Document (2013) (DPD) and the Householder Development Supplementary Planning Guidance (2014). These seek to ensure that development achieves a high standard of design and is an appropriate form and scale to compliment the building and surrounding area. It would also not meet the high-quality design expectations of Section 12 of the Framework.

Other considerations and very special circumstances

15. Very special circumstances would need to exist to justify granting permission for the development because it would constitute inappropriate development in the Green Belt and harm the openness. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations.
16. The appellant's evidence indicates that more harmful additions could be made under Householder Permitted Development Rights (PD Rights) with a greater

impact on openness. The indicative plan shows what, in the appellant's opinion, could be constructed under these PD Rights. However, no additional information has been submitted to demonstrate whether this would be permissible, and it is possible that given the scale of extensions already allowed and the extent of the defined curtilage that PD Rights allowances may not allow further enlargement.

17. Furthermore, there is little evidence to demonstrate that the fallback option would achieve the additional accommodation required through this appeal proposal, which includes providing a bathroom to Bedroom 1 and an extension to Bedroom 2, both on the first floor. Also, there is an insufficient level of detail to demonstrate that the fallback scheme would be significantly more harmful. There is, therefore, insufficient evidence before me to demonstrate that the extension indicated would be a realistic or possible fallback option and I can therefore only give this consideration limited weight; even with the suggestion that the appellant would be willing to have future PD Rights withdrawn by condition. The Lawful Development Certificate relating to the large garden structures cannot be factored into this assessment as it is a separate structure not related to the dwelling itself.
18. Although the proposed scheme may well take up marginally less footprint, I have stated above that an assessment of openness also includes a spatial assessment of the proposed built form overall. In this regard I have found that the additional form and massing arising from building upwards and adding an additional storey to each element would have an impact on openness. This therefore is not viewed as a consideration weighing in favour of the development. The support of the Local Ward Member is noted but this support is not able to override a proposed development which is contrary to Green Belt policy.
19. The proposal would enhance the living conditions of the occupiers of the property, making efficient use of the dwelling without taking up more garden land. However, these are private benefits and attract little weight. It could also be argued that the development may prevent the need to move and reduce pressure on greenfield sites, but this is unlikely given the scale of the development proposed and the existing size of the dwelling.
20. Taken as a whole, I find that the other considerations in this case do not clearly outweigh the significant harm that I have identified. In concluding, therefore, the harm by reason of inappropriateness, and any other harm, would not be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Conclusion

21. Irrespective of the way that previous developments have been determined by the Council, including their assessment against Green Belt policy, the Framework requires that applications for planning permission are determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. The proposal would be inappropriate development in the terms set out by ACS Policy 4B and the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm.

22. For the reasons set out above, and considering all other matters raised, the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

G Bayliss

INSPECTOR