



Appeal Decision

Site visit made on 23 August 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/D1265/D/22/3292458

42 Boundary Lane, St. Leonards and St Ives BH24 2SE

- 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 R Hall against the decision of Dorset Council.
 - The application Ref 3/21/1381/HOU, dated 7 July 2021, was refused by notice dated 21 January 2022.
 - The development proposed is ground floor extension, raise ridge and loft conversion and pitched roof to existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have not assessed the proposed garage extension as part of this appeal as the Council has raised no specific concerns relating to that part of the scheme.

Main Issues

3. The main issues are:
 - whether the proposed dwelling extensions would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposed dwelling extensions on the openness of the Green Belt; and
 - whether any 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

Whether inappropriate development

4. The appeal site comprises a large, detached bungalow and garage set within spacious and verdant grounds. A tall hedge, together with fencing runs along the property's frontage with Boundary Lane, although the dwelling and garage are visible through the site's access and the boundary trees surrounding the site. The appeal dwelling along with others along the road lies within the East Dorset Green Belt.
5. 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. Paragraph 149 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, except in a

limited number of circumstances. These include 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. The Framework's glossary defines "*original building*" as "*a building as it existed on 1 July 1948 or, if constructed after 1st July 1948, as it was built originally*".

6. Although not mentioned in the refusal notice, the main parties have referred, in other documents, to Saved Policy GB3 of the East Dorset Local Plan (2002). Its aims are consistent with the national advice, insofar as it seeks to preserve the openness of the Green Belt. Yet, Policy GB3 is more expansive in its assessment criteria than those in the Framework, which substantially post-dates the Local Plan. Accordingly, and notwithstanding the appellant's reference to the Beach Lane appeal decision¹, I have afforded weight to those criteria only insofar as they are consistent with the Framework.
7. The Council indicates, having had regard to the property's deeds, that the dwelling was built prior to 1948. An extension to the dwelling was also approved in 1975². Informed by that consent, the Council states that the dwelling had an original floor area of 110m² and a cubic volume of 330m³. Whilst I have not seen the drawings associated with the 1975 consent, the original floor area figure presented has not been disputed with reference to any substantive evidence to the contrary and together with my assessment of the submitted drawings and what I saw on site, I am content to rely on this.
8. The Council and the appellant come to different positions in terms of the new floor space of the dwelling following the proposed extensions. These figures range between around 211.5m² and 229m². Despite those differences, the cumulative increase would still be significantly greater than the original floor area. In volumetric terms the increase, which includes a new first floor, would be, according to the Council, approximately 650m³, and equate to an increase in the region of 96% over the original dwelling.
9. The addition of a new first floor, dormer windows and the squaring-off of the ground floor, would appreciably increase the height, massing and bulk of the dwelling. The submitted drawings are annotated showing an increase of around 1m in the roof height. However, that measurement has been taken from the highest point of the existing roof and does not consider the much greater increase in height above the main ridgeline and eaves of the dwelling. Cumulatively, as a result of the proposed development the extensions to the original property would represent a substantial uplift in floorspace and, also having regard to their cumulative scale and massing, in my view, would comprise a disproportionate addition over and above the size of the original building.
10. I have been referred to various appeal decisions³. However, in the case of Beech Lane the case was allowed on very special circumstances, associated with a genuine fallback position, that outweighed the disproportionate additions identified by the Inspector. In respect of the Meriden decision, the proposed first floor, unlike this scheme, did not extend across the building's whole footprint, given the presence of an open terrace, which weighed in the Inspector's reasoning. The decisions at The Chase, The White Cottage and Bedford Gate Cottage, all relate to

¹ Appeal Ref: APP/U1240/D/19/3228676, allowed on 10 September 2019 at 7 Beech Lane, St Leonards, Ringwood BH24 2QD.

² Local Planning Authority Decision Ref: 03/75/1758/HST

³ Appeal Decision Refs: APP/V1260/D/21/3276504, allowed on 7 December 2021 at Meriden, Melerly Park Road, Ashington, Dorset BH21 3DD; APP/R0660/D/16/3152865, allowed on 24th March 2017, at The Chase, Truthall Lane, Plumley WA16 9RZ; APP/Y3615/A/12/2168295, at the "The White Cottage in Surrey"; APP/Y3615/D/13/2190816, allowed at "Bedford Gate Cottage in Woking".

local authority areas further afield where development plan policies may differ or were determined under the Framework's other Green Belt exceptions. Moreover, those decisions refer to lesser floor area increases over and above the original building. Consequently, none of the cases are sufficiently comparable to the scheme before me to alter my conclusion that the appeal proposal would be disproportionate.

11. I therefore conclude that the proposed extensions to the dwelling would be inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 148 of the Framework, this is a matter to which I attach substantial weight.

Openness

12. Paragraph 137 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Although not defined in the Framework, openness is identified as one of the essential characteristics of the Green Belt. The Supreme Court has held⁴, however, that openness does not imply freedom from any form of development, and that, as well as the spatial dimension, visual impacts may also be a factor in considering the impact on openness.
13. Boundary Lane has many bungalows running along its length. These are set back from the road with tall trees and shrubs occupying the intervening spaces and roadside boundaries. Those features together with the relative position and single storey scale of the existing bungalows, has the effect of concealing somewhat, a large proportion of the dwellings. This existing character evokes a sense of openness when traveling along the road.
14. Despite the presence of the tall, thick hedge across the site's frontage, the first-floor addition would be seen to rise above it when viewed from vantage points along Boundary Lane. The access to the dwelling would also allow for clear views through into the property where the altered scale would be observed. In this context, the proposal's increased height and massing would reduce the apparent openness that could be perceived through and beyond the site. Moreover, the proposed first floor would reduce views through the site to the woodland beyond. This would significantly erode the site and surrounding area's visual openness.
15. The proposed extension would not extend the width or length of the dwelling, however, the new upper floor and the associated altered roof profile extending across the whole dwelling, would add significantly to its bulk, mass and height. This vertical uplift would result in a loss of spatial openness at first floor level.
16. The appellant has drawn similarities, regarding the effect on openness, between the proposal and the Beech Lane appeal scheme. However, my reading of that decision indicates that views of the proposal would be obscured somewhat by landscaping, whilst the additional mass would not be perceived as being materially less open. Given that I have assessed that openness would be materially eroded in respect of this appeal, the schemes are not similar.
17. There would, therefore, be a loss of spatial and visual openness to the Green Belt, which would be contrary to the Framework and Policy GB3 of the Local Plan, both of which seek to protect openness. Given the cumulative effect of the proposal I have judged the harm to openness to be moderate in this case.

⁴ R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3

Other considerations

18. As stressed by paragraph 144 of the Framework, 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.
19. The Council's officer's report alludes to a conceivable fallback position where extensions could be built under permitted development rights⁵ through the prior approval process. However, in the case of a first-floor addition (Class AA) those rights relate to dwellings built between 1948 and 2018 and would not apply in this case. As for rear extensions (Class A), an 8m deep single storey rear addition extending across the dwelling's width could be built. Whilst this would be sizeable, it would be at the rear, less prominent part of the dwelling and not add mass and bulk to the first floor in the same way as the appeal scheme. In any case the appellant has not indicated that those permissions have been obtained for those schemes through the prior approval process required by the GPDO. Accordingly, these possibilities attract limited weight, whilst a genuine fallback position has not been demonstrated.
20. The appellant has referred to the proposed dwelling extensions being acceptable insofar as they relate to local character and the living conditions of nearby occupiers. I also note that the Council does not object to the scheme on those grounds. However, a lack of harm in these respects would not add any weight in the scheme's favour.

Green Belt Balance

21. I have concluded that the proposed extension to the dwelling would be disproportionate to the original building, and therefore inappropriate development that would conflict with national and local policies to protect the Green Belt. It would also be harmful to the openness of the Green Belt, although the scale of the impact would be moderate. These matters carry substantial weight.
22. Taking together, the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR

⁵ Class A and Class AA of the Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO)