



Appeal Decision

Site visit made on 27 September 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18TH October 2022

Appeal Ref: APP/W4705/D/22/3299362

Pye Bank Cottage, Tan House Lane, Wilsden, Bingley BD15 0BJ

- 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 Garry Hudson against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/06278/HOU, dated 16 December 2021, was refused by notice dated 9 March 2022.
 - The development proposed is second floor extension and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any other relevant plan policies;
 - The effect of the proposed development on the openness of the Green Belt; and
 - 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

Whether inappropriate development

3. The Framework identifies that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further 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. One such exception being an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
4. Policy SC7 of the Local Plan for the Bradford District Core Strategy Development Plan Document 2017 (the Local Plan) sets out the role and extent of the Green Belt and its purpose. The Council's Householder Supplementary Planning Document 2012 (SPD) indicates that in the Green Belt, additions to dwellings of over 30% of the original cubic volume of a property are likely to be

considered disproportionate. I have not been referred to any other Local Plan policy which sets out the Council's approach to development in the Green Belt.

5. The Framework does not provide a definition of 'disproportionate addition' 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, in this case guided by the advice set out in the SPD. The Framework defines original as a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally.
6. The appeal proposal would see the height of the existing outrigger extension increased upwards by approximately 1 metre, to just below the ridge of the house. The proposed extension would provide enlarged bedroom accommodation in the loft. The proposal would not increase the footprint of the property but would increase its volume by approximately 19m³. It is not disputed that the property has already been extended by at least 30% in the past. The proposal before me would result in a further increase in volume over and above that which has already been added to the original dwelling.
7. For these reasons, the appeal proposal would fall under the definition of inappropriate development in the Green Belt, which is, by definition, harmful. It would therefore conflict with Policy SC7 of the Local Plan which seeks to ensure that the role of the Green Belt is maintained. The proposal would also conflict with the relevant paragraphs of the Framework and with the guidance set out in the SPD.
8. I have been made aware that a garage which was granted planning permission in 2003 is no longer part of the appeal property. I also note that a small outbuilding is said to have been demolished. I have not been provided with any details regarding the location or exact nature of this outbuilding. The Council's officer report suggests that it was demolished to make way for the garage which, in any event, is itself no longer part of the appeal property. Even excluding these factors, the proposal before me would amount to an addition to the property over and above the volume of the original building which would be disproportionate. Even if this was not the case, I have not been provided with any evidence demonstrating the effect that the outbuilding had on the openness of the Green Belt which would outweigh the impact of the proposal before me.

Openness

9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal property forms part of a small cluster of properties at the end of Tan House Lane which are surrounded by open countryside. The appeal property forms the southwest corner of this cluster and is visible from a number of public rights of way in the vicinity. Notwithstanding the neighbouring dwellings, the openness of the Green Belt is evident around the property and the wider area.
10. The appeal proposal would increase the volume and height of the existing building which, due to the position of the proposed extension would result in an increase in the mass of the building. Given the scale of the proposal the impact on the openness of the Green Belt would be limited. Nevertheless, this factor weighs against the proposal.

Other Considerations

11. The Council's reason for refusal does not refer to the character and appearance of the proposed development. However, this matter was considered in the officer report and the appellant has addressed it in their statement of case. The proposed extension would increase the height of the outrigger extension to just below that of the ridge of the house. The proposal would add bulk to the rear portion of the property which, when viewed from the rear would appear as a three-storey extension, and from the side would add considerable bulk to the height of the outrigger. The result would be an extension which, overall, would not be subservient to the original dwelling. This adds weight to my conclusion that the proposed development would be a disproportionate addition to the appeal property.
12. Evidence refers to a previous permission (2013/01903/HOU) which has not been implemented. Whilst I accept that this would have increased the footprint to the appeal property, I do not know the circumstances surrounding the grant of this permission. The permission has now lapsed and is therefore not relevant to the consideration of the appeal before me.
13. I acknowledge that the appellant is seeking to address the reasons for the dismissal of the previous appeal by reducing the proposal from that which was previously dismissed and that the proposed extension would be built of stone to match the existing extension. These are neutral factors which weigh neither for nor against the appeal. Reference to the window frame material in the officer's report has no bearing on the determination of the appeal.
14. The proposal would provide increased floorspace in the loft bedroom of the property. The provision of additional or enlarged living accommodation is a private benefit which does not weigh in favour of the appeal. I therefore attach little weight to this benefit.
15. Consequently, the proposal would represent development which is a disproportionate addition over and above the original building to which no very special circumstances have been demonstrated that would outweigh the harm to the Green Belt.

Conclusion

16. In summary, the proposal would be inappropriate development in the terms set out in the Framework and would result in a harmful loss of openness, albeit it limited to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
17. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by other considerations and, therefore, the very special circumstances required to justify the grant of planning permission have not been demonstrated. The appeal should therefore be dismissed.

KL Robbie

INSPECTOR