



Appeal Decision

Site visit made on 27 September 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/B3438/D/22/3302548

70 Ash Bank Road, Werrington ST2 9DU

- 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 Denver Underwood against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0834, dated 17 December 2021, was refused by notice dated 24 May 2022.
 - The development proposed is described as replacement garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal constitutes inappropriate development in the Green Belt, having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework),
 - if the proposed development is inappropriate development, its effect on the openness of the Green Belt,
 - the effect of the proposal on the character and appearance of the host property, and
 - if the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

3. Policy SS10 of the Staffordshire Moorlands Local Plan (2020), (LP), relates to, among other things, development in the Green Belt. Section 6 of the policy advises that, to maintain the Green Belt within the area, strict control will be exercised over 'inappropriate development', allowing only for exceptions as defined by Government policy.
4. Government Green Belt policy is outlined in Chapter 13 of the National Planning Policy Framework (the Framework), which is a significant material consideration in determining the appeal. Paragraph 147 advises that

'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' (VSCs).

Paragraph 148 states that, when determining applications, substantial weight shall be given to any harm to the Green Belt, and VSCs will not exist unless the potential harm to the Green Belt (by reason of inappropriateness or any other harm resulting from the proposal) is clearly outweighed by other considerations. Paragraph 149 confirms that the construction of new buildings constitutes inappropriate development, though there are exceptions, one of which is "*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*".

5. The proposal consists of demolishing an existing single-storey garage and constructing a single-storey side extension. The existing garage is set back around one metre from the south-western corner of the main dwelling, in the rear garden. The proposed extension would be sited on the western side elevation of the main dwelling, in line with part of the front elevation and extending into the rear of the site.
6. With reference to volume, the Council calculate that the proposal would result in an increase in volume of 108%. The appellant, with reference to the Council's figures re original dwelling (578.55 cu m) and original dwelling plus existing extensions and proposed (garage) extension (1050.67 cu m), concludes that the percentage increase in volume would be 81.66%, not the 108% stated by the Council. A quick calculation using the Council's figures lead me to conclude that the increase in volume would be 81.6% and not 108%.
7. There is no definition of what constitutes a 'disproportionate addition' in local or national policies. The Council Officer Report (OR) states that the Council's guidance advises that extensions over a 30% increase in volume would be deemed to be 'disproportionate'. However, I have not been provided with any evidence that the figure of 30% is included in any LP policy or Supplementary Planning Document. I have therefore not relied upon this in reaching my Decision. To my mind an increase in volume of 81.6% is a substantial increase in volume.
8. The Council has also considered aspects of layout, scale, bulk/mass and previous additions to the property in assessing the extent to which the original dwelling would be increased if the appeal was allowed. In addition to the increase in volume, overall, although the proposed extension would be single storey, like the existing garage, its footprint would be considerably larger, around double the size of the existing garage. Furthermore, the depth of the proposed extension would be over 3 times that of the depth of the original dwelling. Additionally, the proposed extension would be wider and higher than the existing garage building. Such increases in size would inevitably result in an increase in bulk/mass.
9. Bearing in mind the increases in volume, footprint, depth, height, width and bulk/mass, I consider the proposal would result in disproportionate additions to the original dwelling. Consequently, I conclude that the proposal would be inappropriate development in the Green Belt.

Effect on openness of the Green Belt

10. Having concluded that the proposal would be inappropriate development in the Green Belt it is necessary to consider the impact of the proposal on the openness of the Green Belt. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and permanence. The openness of the Green Belt can have both spatial and visual dimensions.
11. The site comprises a detached dwelling sited within a residential plot, set back from the road, located within a ribbon of development. The site has a relatively deep garden with domestic outbuildings to the rear, and a driveway plus generous hard-standing area to the front. There is open countryside to the rear of the site. Many of the properties along the road have been extended in various ways and have outbuildings to the rear and/or side, including the neighbouring property number 68.
12. Within the context of the site, I consider the proposal would have a limited impact on both the spatial and visual openness of the Green Belt. Although the impact of the proposal would be limited, nevertheless it would erode the openness of the Green Belt, which, as noted, is one of its essential characteristics.

Effect on the character and appearance of the host dwelling

13. The existing dwelling is currently 'L' shaped in form, with all its main lines either parallel or at right angles to each other. As noted, the dwelling has already been extended, which includes a good-sized single storey extension projecting off the eastern half of the rear elevation. Due to the extensive depth of the proposed extension, it would project well beyond the rear elevation of the existing rear extension.
14. Additionally, the section of the proposed extension that would be to the rear of the property would follow the tapered rear western boundary of the site. Consequently, the main lines of the rear section of the proposed extension would be at acute angles to, rather than following, the parallel and right-angled lines of the existing property. The proposal would therefore create an irregular shaped space between the western facing elevation of the existing extension and what would be the eastern facing elevation of the proposed extension. These factors would result in a property disjointed in form, in addition to the resultant extensions amounting to disproportionate additions to the original dwelling.
15. I appreciate that the existing garage broadly follows the tapered boundary line. However, it is set back from the rear elevation of the dwelling, is a lot smaller than the proposal and it has space around it. As such it does not read as an extension to the existing dwelling that is out of keeping with it.
16. The appellant contends that the resultant property would be in keeping with the character and appearance of the area, bearing in mind the size of other properties along Ash Bank Road, in particular the immediate neighbouring property No. 68. I do not have comprehensive details regarding the history of development at the site of No. 68. However, the OR notes that permission was granted on the site for a replacement dwelling in 2008 with the Council having concluded that the 20% increase in volume was acceptable and in accordance with relevant policies of the time. As the appellant has not provided any

substantive evidence to the contrary, I conclude that the respective proposals on each of the sites are not directly comparable.

17. For the reasons outlined, I conclude that the proposal would harm the character and appearance of the existing property. As such, the proposal does not accord with Policy DC1 of the LP which, among other things, requires all development to be designed to a high-quality having respect for the site. Nor does the proposal accord with guidance in the Staffordshire Moorlands District Council Design Guide Supplementary Planning Document (2018), (SPD), which recommends all extensions should harmonise with the parent building, respect the dominance of the original building and be subordinate to it in terms of its size and massing.
18. I note that the appellant questions the existence of Policy SDC1, which is referred to in reason for refusal 2 in the Council's Decision Notice. I have not been provided with any evidence of a Policy with the reference SDC1. However, bearing in mind the contents of the OR (the section on Design) and reason for refusal 2, it is clear to me that the policy being referred to in reason for refusal 2 is DC1. The 'S' therefore appears to be a processing error.

Other considerations & very special circumstances

19. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.¹
20. The appellant has drawn my attention to a couple of Appeal Decisions which he considers support the proposal before me, APP/Y3615/D/13/2190816 (2190816) and APP/Y3615/D/13/2193438 (2193438). I note that both appeals relate to a different Authority. Consequently, the development plan policies against which the appeals were assessed differ to the LP policies of relevance to the case before me.
21. In appeal 2190816 the 82% figure noted in the Decision relates to floor area, and not volume. Furthermore, the additional floor area was created in the roof space (as such, there would have been little or no increase in volume), without changing the overall height and mass of the property and with little change to the external appearance.² Bearing these factors in mind, I consider the case is not comparable to the one before me.
22. In appeal 2193438 the 85% figure noted in the Decision also relates to floor space. Additionally, although I have not been provided with copies of the plans, the Decision indicates that the proposed extension was to be sited at first floor level, which suggests the footprint of the building would not have been extended. The Inspector considered that the proposal would not significantly increase the prominence of the additions as they were closely integrated with the existing dwelling.³ Again, bearing these factors alone in mind, I consider the case is also not comparable to the one before me. I therefore attach little weight to these Appeal Decisions.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

² Paragraph 9 of Appeal Decision APP/Y3615/D/13/2190816

³ Paragraph 8 of Appeal Decision APP/Y3615/D/13/2193438

23. The appellant contends that the proposal would create an undercover parking area for getting in and out of a vehicle and provide equality of access for use by the appellant's disabled mother. As I have not been provided with any substantive evidence regarding the said person's disability or a specification of the person's needs with regard to space required, I can only attach limited weight to this matter.
24. The appellant contends that he could construct an outbuilding under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015, (the GPDO), which could be similar in size to the proposal or larger. The plans submitted illustrate a building similar in width to the proposed, ie 4.5 m, but extending virtually to the rear boundary of the site. The section of the building to the rear of the existing dwelling would be around 54 m long, compared to the 15 m of the proposed extension. The height of the building would have to be lower than the proposal the subject of the appeal, to adhere to the GPDO criteria, as such the fallback illustrated has a flat roof.
25. The Council has not challenged the appellant's illustrative permitted development fallback, and I have no grounds to do so either. I accept the fallback is a material consideration. However, the appellant has not provided any substantive evidence which demonstrates a clear intent to construct an outbuilding as illustrated. For example, the appellant has not secured a certificate of proposed lawful development. Moreover, I have not been provided with any information that convinces me that the proposed fallback is anything more than a theoretical proposition. For this reason, I attach limited weight to the fallback as a consideration in support of the proposal.
26. The proposal would provide some economic benefits during the construction phase. However, as these would be minor, I attach limited weight to this factor.
27. The appellant asserts that the proposal would incorporate detailing and materials appropriate to the area and sustainable construction techniques. Also, it would not harm the living conditions of occupiers of existing neighbouring properties, would provide a safe and satisfactory access and would utilise existing drainage, wastewater, and sewerage infrastructure. However, such factors are requirements of local and national planning policies anyway, and as such do not attract any additional weight in support of the proposal.
28. I have found that the proposal constitutes inappropriate development in the Green Belt and that it would have a limited impact on both the spatial and visual openness of the Green Belt. I have also found that the proposal would harm the character and appearance of the host property.
29. As noted above, in accordance with the Framework, substantial weight is attached to any harm to the Green Belt, and very special circumstances will not exist unless harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. For the reasons given, I conclude that the harms I have found are not clearly outweighed by the other considerations outlined. Consequently, the very special circumstances required to justify the proposed development do not exist. As such, the proposal does not accord with Policy SS10 of the LP or Green Belt policies in the Framework.

30. The appellant points out that the OR incorrectly dates the Framework as 2019, which I agree is the case. However, the OR also refers to the matter of disproportionate additions being in paragraph 149 of the Framework, which is the correct paragraph in the 2021 iteration of the Framework. I am therefore confident that the Council made its decision taking account of the latest version of the Framework.

Conclusion

31. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR