



Appeal Decision

Site visit made on 28 November 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2023

Appeal Ref: APP/F0114/D/22/3297834

Ashfield, Stockwood Vale, Keynsham BS31 2AP

- 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 Mike Bullock against the decision of Bath and North East Somerset Council.
 - The application Ref 21/04626/FUL, dated 13 October 2021, was refused by notice dated 10 February 2022.
 - The development proposed is described as 'Ridge to be raised to allow for new room in roof, including new dormer extension. Side balcony formed to master bedroom.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site is located within an area of Green Belt. Accordingly, 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; 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

3. The Framework states that the construction of new buildings is to be regarded as inappropriate development subject to the exceptions which are set out in paragraph 149. Part c) of this paragraph lists 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, as one such exception. This is also set out in Policy GB3 of the Placemaking Plan for Bath and North East Somerset (2017) (PP).
4. The Council measure the proposed additions to the dwelling as 50m³, however when added to the previous numerous additions, this would result in a 50.8% increase in volume over the original building. The appellant puts this figure at 53%.

5. Neither PP Policy GB3 nor the Framework define disproportionate, however I consider that an increase of this magnitude of the volume of the original property would be significant and would amount to a substantial increase in the form, bulk and overall scale and size of the original building.
6. In light of the above I conclude that the further addition proposed would comprise a disproportionate addition over and above the size of the original building and would result in inappropriate development in the Green Belt, as described in CS Policy CP8, PP Policy GB3 and paragraph 149 of the Framework.
7. Paragraph 147 of the Framework says inappropriate development is harmful by definition and paragraph 148 identifies that substantial weight should be given to any harm to the Green Belt.

Openness

8. The proposal would increase the height of the roof ridge, which, along with the proposed dormers would noticeably add to the massing of the roof and would be visible from the road. In addition, the massing of the side projection would noticeably increase when viewed from the northeast. There would be therefore a visual impact upon openness in addition to, the spatial impact that would result and openness would be reduced.
9. In this regard, the Framework makes it clear that openness is an essential characteristic of the Green Belt.

Other Considerations

10. In calculating the percentage increase over the existing property, it appears that the Council included previous structures on site, including a detached garage sited within 5m of the rear of the property. This is in accordance with the 'normal domestic adjuncts¹' principle referenced by the appellant.
11. The greenhouse and irrigation tank, now removed, were sited too far from the property to be considered part of the original property. Whilst they may have been removed from the site, thereby increasing openness, I have no substantive evidence of the size of these buildings. Moreover, these buildings no longer exist, and so cannot be used to offset the size of the proposal or the resultant harm to openness. Therefore, this carries little weight in favour of the proposal.
12. The appellant refers to previous development on the adjoining plot, named 'Elmleigh'. I have no details of the approved development referenced, but given they were approved/granted, it would appear that, unlike the scheme before me, the Council was satisfied that they complied with the relevant Green Belt policies or represented permitted development.
13. Whilst the property sits within a sizable plot, this has little relevance with regards to consideration of openness, except for the visual aspect. As set out above the proposed works would be visible from the highway in addition to the adjacent neighbours.

1. ¹ Sevenoaks District Council v Secretary of State for the Environment and Dawe (1997)

Other Matters

14. The proposal would provide additional living space for the appellant and would generate some economic benefits during the construction phase. However, these are modest benefits that are common to most developments of this type and size.
15. The lack of objection from the Parish Council or any other party does not alter my conclusions regarding the conflict with policy.
16. The Council also reference Policy GB1, however this relates to the visual amenities of the Green Belt, in relation to siting, design and materials, not specifically openness. As such, it is of limited relevance to the main issues in this instance.

Conclusion

17. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. Even when taken together, I conclude that the other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to CS Policy CP8, PP Policy GB3 and guidance contained in the Framework relating to Green Belts.
18. For the reasons given above I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR