



Appeal Decisions

Site visit made on 1 February 2023

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

APPEAL A Ref: APP/P0240/D/22/3297004

Erin House, 171 Dunstable Road, Caddington, Luton LU1 4AN

- 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 Gill against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/00102/FULL, dated 10 January 2022, was refused by notice dated 09 March 2022.
 - The development proposed is the construction of a double garage.
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APPEAL B Ref: APP/P0240/D/22/3297009

Erin House, 171 Dunstable Road, Caddington, Luton LU1 4AN

- 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 Gill against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/00103/FULL, dated 10 January 2022, was refused by notice dated 09 March 2022.
 - The development proposed is a two storey front extension.
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Decisions

1. The appeals are dismissed.

Preliminary Matter

2. I have determined three appeals simultaneously relating to the same property. I have combined my decisions in relation to two of those into this decision letter because they relate to applications submitted to the Council on the same date under the same agent. The third appeal relates to an application that was submitted under a different agent on a different date. For that administrative reason I have issued a separate decision letter solely in relation to that appeal.

Main Issues

3. The main issues are the same in relation to both appeals. They are:
 - i) Whether the proposal would constitute inappropriate development within the Green Belt;
 - ii) The effect on the openness of the Green Belt;
 - iii) The effect on the character and appearance of the area; and
 - iv) Whether any harm that may arise in relation to the above issues is outweighed by other material considerations, such as to amount to the very special circumstances needed to justify the proposal.

Reasons

Whether Inappropriate Development

4. As set out at paragraph 149 of the National Planning Policy Framework, new buildings within the Green Belt are considered as inappropriate unless they fall within a limited range of exceptions. Policy SP4 of the Central Bedfordshire Local Plan (2021) (the LP) closely follows that national guidance. Of relevance in this instance is sub-paragraph (c) of paragraph 149.
5. That allows for the extension or alteration of a building providing that it would not result in a disproportionate addition over and above the size of the original building. In this case, that would be the building as originally constructed. It is necessary to take into account the cumulative effect of any previous extensions/ additions as well as the proposed scheme.
6. Although there is no specific exception for domestic outbuildings within paragraph 149(c) the Courts have held that structures such as garages and summerhouses may be considered as extensions to an existing dwellinghouse, where they amount to a normal domestic adjunct. Given the position of the garage subject of Appeal A and its relationship with the existing dwelling, I am satisfied that it would fall under the remit of that policy as an extension to the existing building.
7. Accordingly, both appeals should be considered under the remit of paragraph 149(c) and the key question is whether they would amount to disproportionate additions over and above the size of the original building. Policy SP4 of the LP does not specify a volume or floorspace increase above which an extension will be considered to be disproportionate. The delegated officer report does refer to a 60% limit in local design guidance when referring to the application for a two-storey rear extension that was approved in 2010. It is not clear whether that was a volumetric or floorspace calculation. I can see no reference to a local standard at all in the extracts of the Central Bedfordshire Design Guide (2014) that has been provided by the Council. Consequently, it is not clear if the 60% standard still applies or what that figure relates to.
8. The appellant maintains that any extension up to a 100% increase in floorspace should be considered as not inappropriate. In my experience of dealing with appeals across the country that would be a higher figure than is commonly used in local plans where limits are set out. In any event, in the absence of a figure in the LP it is not for me to set an arbitrary standard but consideration is a matter of judgement. Footprint is only one factor to consider and it is also reasonable to take account matters of volume, massing and visual impact into account.
9. The appellant states that the original dwelling had a footprint of 255sqm and that the two storey rear extension added an additional 120sqm, representing a 48% increase. However, that relates to footprint alone. No figures are provided for the volumetric increase but the rear extension is significant and notably increases the depth, mass and external scale of the dwelling. In my view, it is on the limit of what may be considered as a proportionate addition to the original property.
10. In addition, there are numerous outbuildings and structures within the garden of the property, including a large structure to the right of the dwelling as one

looks from the entrance and further outbuildings within the garden to the rear. Just as the garage is put forward as an extension that may fall under paragraph 149(c), it seems reasonable for those ancillary domestic structures to be considered in the same light, having regard to established caselaw.

11. When taken in the round, the substantial two storey extension and existing array of outbuildings and structures within the garden are of significant scale, footprint and volume. I find that the property has already been extended to the limit of what could be considered proportionate to the scale of the original dwellinghouse.
12. The two-storey extension under Appeal B is relatively modest of itself but it would result in a more imposing front elevation, with two projecting bays in contrast to the single projecting wing of the present dwelling. In combination with the large two storey rear extension it would add to the overall mass and volume of the dwelling. When added to the significant extensions that have already taken place the front wing would tip the balance and represent a disproportionate addition over and above the scale of the original dwellinghouse.
13. Similarly, the double garage would be a sizeable structure, set to the front of the property in an area currently devoid of buildings. It would be clearly visible from the roadside and would extend the coverage of built form across the site. Taken cumulatively with existing extensions the extra volume, footprint and visual impact would also represent a disproportionate addition.
14. Either individually or when taken together, the proposals would not therefore meet the limitations of paragraph 149(c) of the Framework and would amount to inappropriate development within the Green Belt. It follows that they would also fail to comply with the aims of policy SP4 of the LP.

Impact on Openness

15. Openness is one of the essential characteristics of the Green Belt and keeping land permanently open is one of the fundamental aims of Green Belt policy. Openness has both a physical and visual quality.
16. In physical terms the two-storey extension would project to the front of the dwelling and increase the overall volume of the dwelling by a modest degree. Visually, the dwelling would become more imposing when viewed from the roadside. Consequently, notwithstanding its modest scale, the extension would reduce the sense of openness to a limited degree.
17. Similarly, the garage would introduce built form to the front of the dwelling in an area that is presently free from buildings, thereby extending the spread of development at the site as a whole. It would be visible from the entrance to the site. Again, the structure would have a harmful but limited impact on the openness of the Green Belt, commensurate with its size.
18. The impact of both proposals would be constrained to the immediate vicinity with little wider impact but, nonetheless, neither would preserve the openness of the Green Belt. The subsequent loss of openness represents further harm to the Green Belt, in addition to the fact that the proposals represent inappropriate development.

Character and Appearance of the Area

19. In design terms, the two-storey front extension would create a balanced front elevation, off-setting the similar bay to the right hand side of the dwelling. Materials would be sympathetic with the existing property and no harm would arise as a result of its appearance.
20. The double garage would be constructed in materials to match the original and would be fairly typical of the sort of domestic structure one would commonly find associated with residential properties in the countryside.
21. The question of the effect on the openness of the Green Belt has been considered above. Aside from the harm that arises in that respect, I find no harm to the general character of the countryside arising from either proposal. Both would comply with the aims of policy HQ1 of the LP.

Other Material Considerations

22. Permitted development rights for the erection of outbuildings within the curtilage of the property were removed when permission was granted for the erection of the dwelling, through the imposition of a condition relating to that permission. The appellant notes that the reason for the condition does not relate to the preservation of the openness of the Green Belt and, moreover, contends that the condition is unreasonable and unnecessary. It is the case that permitted development rights for domestic outbuildings are not automatically excluded within the Green Belt, under the terms of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
23. Nonetheless, it does not automatically follow that any condition seeking to restrict permitted development rights will be unreasonable. That would be a matter for judgement in any given case. I am not aware that any application has been made to modify or remove the condition in relation to the appeal site and it is not for me, in the context of appeals made in relation to specific proposals, to review the merits of that condition. The fact is that planning permission is required for the garage and I must consider the appeal against the relevant national and local planning policies as they apply. Consequently, arguments made in that respect do not add weight in favour of Appeal A.
24. I have recognised that the proposals comply with relevant design guidance in relation to policy HQ1 of the LP. Nonetheless, compliance with that policy would be expected of any development and the lack of harm in that respect is not a matter that attracts positive weight, over and above what would normally be required.

Planning Balance and Conclusion

25. The proposals would both amount to inappropriate development within the Green Belt and both would also lead to a reduction in the openness of the Green Belt, albeit to a limited degree. Both would fail to accord with policy SP4 of the development plan. Inappropriate development is, by definition, harmful to the Green Belt and I am required to give substantial weight to any harm to the Green Belt, in line with paragraph 148 of the Framework. The very special circumstances needed to justify the proposal will not exist unless that harm is clearly outweighed by other considerations.
26. The proposals are of high-quality design in compliance with policy HQ1 of the LP but that would be expected of any development. For the reasons given, I

attach no weight to the arguments made in relation to the reasonableness of the condition which removes permitted development rights for outbuildings.

27. In the absence of any other material considerations it is clear that there are no matters that clearly outweigh the substantial weight I am required to give to the harm to the Green Belt by way of inappropriateness and loss of openness. The very special circumstances needed to justify either proposal have not been demonstrated. Both are contrary to the relevant policies of the development plan, taken as a whole, and there is no justification for taking a decision other than in accordance with that plan. Accordingly, I shall dismiss both appeals.

Chris Preston

INSPECTOR