



Appeal Decision

Site visit made on 19 April 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2023

Appeal Ref: APP/C2741/D/22/3310551

Laurentide, Common Lane, Dunnington, York YO19 5LS

- 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 John Gilham against the decision of City of York Council.
 - The application Ref 21/00339/FUL, dated 11 February 2021, was refused by notice dated 24 August 2022.
 - The development proposed is raising of roof with hip to gable roof extensions to sides, front and rear; single storey front and rear extensions, 3no. rooflights to front and 2no. rooflights to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development given in the planning application form has been changed. I have been provided with no confirmation of any agreement on this matter. However, the original description referred to the proposal raising the height of the roof by 1.36m. The subsequent amended plans considered by the Council show a smaller increase in the roof height. The appellant has used the description provided by the Council in their appeal questionnaire, and this adequately describes the proposal upon which the Council made their decision. I am satisfied that using this modified description would not prejudice the parties or other persons who may have an interest in the proposal. Accordingly, the description given in the banner heading above is that used in the Council's decision notice and the plans I consider are those to which the decision notice refers.
3. The Council has referred to policies in the emerging City of York Local Plan - Publication Draft (2018) (Regulation 19 Consultation) (the Emerging Plan) and the City of York Draft Development Control Local Plan (2005) (the DCLP), which is approved by the Council for development control purposes. However, neither of these documents have been formally adopted as part of the development plan. The Council does not set out the amount of weight that it considers should be afforded to these policies, I have not been provided with information regarding progress on the Emerging Plan, and I am not aware of the extent of any unresolved objections to policies in that Plan. Therefore, whilst I have had regard to these policies in my determination of this appeal, in accordance with paragraph 48 of the National Planning Policy Framework (the Framework), I have given these policies limited weight.

Main Issues

4. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect of the development on the openness of the Green Belt;
- the effect of the development on the character and appearance of the surrounding area; 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 necessary to justify the proposal.

Reasons

Whether inappropriate development

5. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
6. The Framework also establishes that the construction of buildings in the Green Belt should be regarded as inappropriate development, apart from those exceptions listed in paragraphs 149 and 150. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where there are very special circumstances required to justify it. However, there are exceptions in relation to the extension or alteration of a building which are not regarded as inappropriate development provided that they do not result in disproportionate additions over and above the size of the original building.
7. Policies GB1 and GB4 of the DCLP broadly conform to the general thrust of national Green Belt policy, supporting the limited extension or alteration of existing dwellings where this would be small scale compared to the original dwelling. Similarly, Policy GB1 of the Emerging Plan allows for the limited extension of existing buildings and this is consistent with the provisions of the Framework.
8. A definition of what constitutes disproportionate additions is not provided in the Framework. Any assessment of whether a proposal would be a disproportionate addition over and above the size of the original building is a matter of planning judgement. Accordingly, I have assessed whether what is now proposed is disproportionate in size based on the plans before me and from what I saw on my site visit.
9. The appeal property is a modest detached hip-roofed bungalow set in a large garden. Flat roofed extensions to the side and rear have been added in the recent past. The appellant indicates that these replaced previous parts of the property, and the Council's Officer Report confirms these works were agreed as permitted development.
10. The appellant indicates that the proposals would result in a volumetric increase of less than 25%, and the Council has presented some calculations about the relative footprint of the proposed extensions in comparison to the existing

bungalow. However, I have been given no clear indication based on dimensioned drawings about the overall size of the original building, the size of previous extensions, or the size of those extensions now proposed.

11. The appeal proposal would see the existing modest single storey bungalow extended to provide rooms in the roof space above much of the existing footprint of the building, an increase in the footprint to the rear of the building at ground floor, and the addition of habitable rooms in the roofspace above that extended footprint. To facilitate this, the external walls would be built up and a new roof would be created above the existing and extended footprint of the building resulting in an increased finished height around 800mm above the ridge height of the existing bungalow. Works would therefore result in a substantial addition in the height of the bungalow above the existing flat-roofed side extension, and the construction of a large first-floor balcony to the rear to which access would be gained from patio doors in a proposed flat-roofed dormer. A further large flat-roofed dormer would be constructed in the roofspace above the proposed rear extension.
12. The proposal would increase the footprint, height, and volume of the bungalow. The scale of these additions would be substantial in comparison to the original building even if the more recent flat-roofed extensions were considered as replacement development to parts of the original bungalow. Notwithstanding the appellants estimate regarding the proposed increase in volume, taken as a whole, the proposed extensions and alterations would amount to disproportionate additions over and above the size of the original building.
13. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policies GB1 and GB4 of the DCLP, Policy GB1 of the Emerging Plan, and the associated policies of the Framework.

Openness

14. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal property is bounded by a large expanse of flat open fields to two of its boundaries and, notwithstanding the recent tree planting along one of those boundaries, it is clearly visible in views over those fields from the adjacent highways. Notwithstanding the height of the neighbouring dwelling, which the evidence shows has recently been reconstructed with the benefit of planning permission, the openness of the Green Belt is particularly evident around the property and the wider area.
15. The proposal comprises substantial additions to a modestly sized bungalow. It would increase the volume, height and massing of the existing building quite noticeably, even when seen from distance. This would create a spatial change in respect of openness. Significant parts of the building as proposed to be altered would be visible from various locations. Having regard to its proposed height, position, size and bulk, and the views that could be gained from locations beyond the site, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. This impact would be moderate, but permanent, and this harmful loss of openness weighs moderately against the proposal.

Character and appearance

16. The Council's reasons for refusal express the view that the proposal would be harmful to the 'character and openness' of the Green Belt. I have concluded that the proposal would be harmful in spatial and visual terms to the openness of the Green Belt. However, the effect of a proposal on the character of an area can require different considerations to those relevant to an assessment of the effects on the openness of the Green Belt. Accordingly, I have considered this matter separately.
17. The Council does not elaborate further on their specific concerns in this regard. From my site visit I saw that the appeal property is situated at the edge of a small group of buildings of differing designs and sizes, the buildings closest to the appeal property are generally taller, and the land uses nearby include agricultural and commercial development in addition to a variety of forms and sizes of dwellings. Although single storey dwellings, some with rooms in their roof space, are the dominant form of residential development in the surrounding area, there are other taller buildings nearby, and there is some variety in external finishes to local buildings.
18. The proposal contains some elements, such as the roof shape, which are not traditional or common within the area. However, the existing bungalow sits within a substantial plot with large gardens to the front, rear and at the side adjacent to the open fields. As a result, in terms of the character of the area, the existing dwelling could accommodate extensions that would not necessarily be harmful.
19. Further, variety in the appearance of buildings nearby is evident and the appearance of the proposal, while differing somewhat from the norm, could be accommodated in this context. The evidence before me does not demonstrate harm that would arise from the proposal to the character and appearance of the area. Having regard to its setting and context I find the proposal would not be harmful to the character and appearance of the area, and its effect overall would be neutral. In this regard there would be no material conflict with Policy H7 of the DCLP which, amongst other things, requires that the design and materials used in residential extensions would be sympathetic to the main dwelling and the locality, and that the design and scale is appropriate to the main building.

Other Considerations

20. Measures are proposed to exceed the Building Regulations in respect of thermal insulation, photovoltaic panels would be restored on the roof slopes and other energy efficient measures for heating and ventilation are proposed. These would provide an environmental benefit in terms of the efficient use of energy, and I attach moderate weight to these benefits.
21. The proposed extensions have been significantly reduced in volume compared to the scheme originally submitted for planning permission. That may be so, however I have assessed the revised scheme upon which the Council made its decision. The proposal would enhance the living conditions of the occupiers of the property, providing them with additional updated accommodation which the appellants contend would create a more purposeful family home. However, these are both neutral factors in my determination, neither weighing for or against the proposal.

22. The redevelopment of the neighbouring dwelling, Fernholme, is not directly comparable with the proposal before me because of its origin as described by the Council, and there are significant differences in the form of that redevelopment in comparison to the proposal at the appeal site. This is also a neutral factor in my determination of the appeal.

Green Belt balance and conclusions

23. While I have not found harm in respect of the effect of the proposal on the character and appearance of the area, the proposal would be inappropriate development in the Green Belt and this, by definition, would be harmful. It would result in a moderate loss of openness, and this would harm the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.
24. The harm that would arise from the proposal is not, in this case, clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist. Consequently, the proposal conflicts with Policies GB1 and GB4 of the DCLP, and Policy GB1 of the Emerging Plan. Although I have given those policies only limited weight, the proposal would also be contrary to the Framework in respect of protecting the Green Belt.
25. For the reasons given above the appeal is dismissed.

David English

INSPECTOR