



Appeal Decision

Site visit made on 8 June 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/X1355/D/23/3320857

Bracken Cottage, Bank Foot, Shincliffe, Durham DH1 2PD

- 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 Mrs Rebecca Williams against the decision of Durham County Council.
 - The application Ref DM/23/00388/FPA, dated 9 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is the removal of porch and erection of two storey flat roofed and gabled extensions to front of property, and construction of dormer windows to the rear.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Shincliffe Conservation Area (CA).

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - (ii) The effect of the proposal on the openness and purposes of the Green Belt;
 - (iii) The effect of the proposal on the character and appearance of the host dwelling and the CA;
 - (iv) 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

4. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings is inappropriate in the Green Belt but it sets out a number of exceptions. This includes at 149c) 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. Policy 20 of the County Durham Plan 2020 (CDP) refers back to national planning policy with respect to development proposals in the Green Belt.

5. It is common ground between the parties that the appeal dwelling has undergone extension previously, consisting of a porch and a two storey side extension. As the Framework refers to the size of the original building, it is necessary to assess previous extensions cumulatively with the works that are subject to the current appeal. There has also been a detached garage constructed, which is now referred to as an annexe.
6. On this point, the parties disagree as to whether or not the annexe should be included as an extension to the original dwelling. There are compelling reasons why the annexe should be considered to be an extension, owing to its close proximity to the main dwelling, its substantial size and because it provides ancillary living space in conjunction with the use of Bracken Cottage.
7. But, irrespective of that matter, the existing two storey side extension and the appeal proposal taken together would result in disproportionate additions over and above the size of the original building, by reason of their combined footprints and volumes in relation to that which existed initially. Therefore, the proposal would represent inappropriate development in the Green Belt and would fail to accord with Policy 20 of the CDP.

Openness

8. A fundamental aim of Green Belt policy, as set out by the Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it. The Framework further sets out at paragraph 138 that the Green Belt serves five purposes.
9. The proposal would result in a reduction in visual openness when considered cumulatively with the additional development that has already taken place at the property. In the same respect it would also add to a physical encroachment by reason of an increase in footprint, and consequently both reduce spatial openness and conflict with the purposes of the Green Belt. These considerations are unaffected by the fact that there is other, unrelated, existing development adjacent to the appeal site and that the front elevation of Bracken Cottage is reasonably enclosed from view.
10. For these reasons and on consideration of the scale of the development, I conclude that it would contribute to moderate harm to Green Belt openness and to the purposes of the Green Belt. The proposal would therefore be contrary to the specific guidance within the Framework in this regard.

Character and appearance

11. The front of the appeal dwelling is for the most part enclosed from public views but is visible in glimpsed views through the vegetation which lines the public footpath to the east of the site. It is likely that its front elevation would be more visible from this point in those months when the trees are not in leaf. Despite the presence of the side extension, the existing appeal dwelling has a generally coherent character and appearance.

12. Whilst the proposed front gable would be broadly consistent with the design ethos of the existing dwelling, the proposed link between it and the existing gable would contain a two storey wall with a mono-pitched roof above. It would, as a result of this design, have an incongruous visual relationship to the dwelling and cause harm to its character and appearance. Due to this relationship, it would also not appear subservient or subordinate to the existing dwelling.
13. The rear of the dwelling faces onto the A177 road, a main route towards and away from Durham. Its close proximity to this road and the absence of any screening means that this elevation is prominent in views taken both from the carriageway and the pavement. At present it has a simple visual appearance and a roof plane broken only by the presence of flush roof windows.
14. The three proposed dormer windows would be large in size and would visually dominate this roof plane. Whilst there are dormers present on the front of the appeal dwelling and on other nearby dwellings, these are more modest in size and have a lesser visual impact. As a whole, due to their size and prominent positioning, the proposed dormers would be detrimental to the character and appearance of the host dwelling.
15. I have limited information as to the significance of the CA, in particular the part of it in which the appeal site is located. The Council does however refer to the appeal dwelling as having a neutral impact on the CA, which appears to be a reasonable assessment given its overall age, design and positioning. Nonetheless, the harm to the character and appearance of the host dwelling means that the proposal would fail to preserve or enhance the character and appearance of the CA. This is a matter which carries considerable importance and weight.
16. Given the nature of the proposed development and that the harm would be localised, I consider that less than substantial harm to the CA would be caused. This being the case, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 202 of the Framework. However, no specific public benefits have been advanced in support of the proposal.
17. For these reasons, I conclude that the proposal would cause harm to the character and appearance of the host dwelling and the CA. Consequently, it would fail to accord with Policies 29 and 44 of the CDP, where they seek to protect character and appearance and designated heritage assets. There would also be a conflict with the Framework, where it seeks to achieve well-designed places and because the harm to the CA is not outweighed by public benefits.

Other Considerations

18. The appeal dwelling has restricted headroom available at present at first floor level, especially in the corridor that provides access to the bedrooms and within a bathroom. There is also inconvenience in the arrangement of the accesses to the master bedroom, which are taken from other rooms. The proposed development would rectify these limitations and provide the appellant with a better designed internal living space. This consideration carries moderate weight in favour of the proposal.

Planning Balance and Conclusion

19. The Framework at Paragraphs 147 and 148 establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The development is inappropriate development in the Green Belt and would contribute to moderate harm being caused to its openness and to its purposes. It would also cause harm to the character and appearance of the host dwelling and to the CA. Having regard to the reasons I have set out, I find that the other consideration put forward in this case does not clearly outweigh the harm to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
21. For the reasons given above, I conclude that the proposal conflicts with Policy 20 of the UDP and the objectives of the Framework where it seeks to protect the Green Belt. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR