



Appeal Decision

Site visit made on 24 July 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/D1265/D/22/3306902

Jack's Lodge, Northleigh Lane, Colehill, Dorset BH21 2PJ

- 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 & Mrs Cannon against the decision of Dorset Council.
 - The application Ref P/HOU/2022/02486, dated 13 April 2022, was refused by notice dated 28 July 2022.
 - The development proposed is described as, 'Demolish first floor lean-to extension, veranda, porch and chimney stacks. Erect glazed garden room, replacement porch and veranda. Remodel existing dormer roofs and create viewing gallery, increase height of one chimney stack, with associated internal alterations. Install 3no. air source heat pumps on Annexe building'.
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Decision

1. The appeal is allowed and planning permission is granted to demolish first floor lean-to extension, veranda, porch and chimney stacks. Erect glazed garden room, replacement porch and veranda. Remodel existing dormer roofs and create viewing gallery, increase height of one chimney stack, with associated internal alterations. Install 3no. air source heat pumps on Annexe building at Jacks Lodge, Northleigh Lane, Colehill, Dorset BH21 2PJ in accordance with the terms of the application, Ref P/HOU/2022/02486, dated 13 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan; 1:500 Block Plan; Site Plan Drawing No. 1233/13; Ground Floor Plan Drawing No. 1233/06 revision A; First Floor Plan Drawing No. 1233/07 revision A; Second Floor Plan Drawing No. 1233/08 revision A; North and East Elevations Drawing No. 1233/10; South and West Elevations Drawing No. 1233/09 revision A and Roof Plan Drawing No. 1233/11.
 - 3) The Biodiversity Plan dated 23 June 2022 shall be adhered to throughout the construction period of the development and carried out in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The mitigation, compensation and net gain measures shall thereafter be permanently maintained and retained.

Application for costs

2. An application for costs was made by Mr and Mrs Cannon against Dorset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal site address given on the application form is 'Moorings' but the Council's Decision Notice and appeal form refer to 'Jack's Lodge'. I understand from the Council's Householder Application Report that the name of the property was changed from Moorings to Jack's Lodge on 16 February 2022 and therefore I have referred to the current address in the banner heading above.
4. The application form indicates that works had not started when the application was made. I saw that building works were taking place at the time of my site visit. My attention has been drawn to a second planning application¹ at the appeal site. The appellant has advised that this approved all the work included within the appeal scheme with the exception of the viewing gallery and the plans submitted in support of the appellant's case would appear to indicate this.

Main Issue

5. The main issue in this appeal is whether the appeal proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

Reasons

6. In so far as is relevant to this appeal, Saved Policy GB3 of the East Dorset Local Plan adopted 11 January 2002 (LP) permits extensions to dwellings in the Green Belt which would; a) not materially change the impact of the dwelling on the openness of the Green Belt especially through its height or bulk; and b) the size and scale of a proposed extension would not dominate the existing dwelling.
7. The appeal proposal includes the provision of a viewing gallery above the existing roof line of the dwelling to create a fourth floor. This would increase the overall height of the dwelling and add to its overall bulk. Whilst it would be largely screened or seen against a backdrop of trees, it would inevitably have an effect on the openness of the Green Belt and in this respect, the proposal would be at odds with criteria a) of Saved Policy GB3 of the LP.
8. Turning to criteria b) of Saved Policy GB3 of the LP, there is nothing set out in the planning history or other documents provided to suggest that the appeal dwelling has been previously extended. In the absence of evidence to the contrary, I have followed the Council's approach and consider that any assessment in terms of the size increase should relate to the building as indicated on the submitted 'existing' drawings.
9. The Council calculate that the proposed additions would equate to a 3.7% increase in the volume of the existing dwelling. This would be substantially below the general guideline of a 50% or 140 square metre increase in gross floorspace which the Council say in the supporting text to Saved Policy GB3 of the LP, will be used to judge whether the proposal is disproportionate. I therefore find that the size and scale of the proposed extensions would not

¹ LPA Ref: P/HOU/2022/02467 Demolish first floor lean-to extension, veranda, porch and chimney stacks. Erect glazed garden room, replacement porch and veranda. Remodel existing dormer roofs with associated internal alterations. Install 3 no. air source heat pumps.

result in disproportionate additions over and above the size of the original building. In this respect, there would be no conflict with criteria b) of Saved Policy GB3 of the LP.

10. I also find that there would be no conflict with the Framework. Paragraph 149c of the Framework sets out that development in the Green Belt is not considered to be inappropriate if the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building and I have concluded that they would not.
11. There is no requirement in national policy to undertake a separate assessment on the impact on openness where the proposal meets the requirement of Paragraph 149c of the Framework. In this respect, criteria a) of Saved Policy GB3 of the LP is inconsistent with the Framework and this limits the weight I attach to it. The Framework is an important material consideration that in this instance indicates that the appeal should be determined otherwise than in accordance with the development plan.

Conditions

12. I have considered the conditions suggested by the Council and the advice in the Planning Practice Guidance. A standard time limit condition is required as I cannot be satisfied that the works carried out to date constitute a commencement of development. A condition is needed to secure compliance with the submitted plans for the avoidance of doubt and in the interests of proper planning. In the interests of safeguarding biodiversity, it is necessary to attach a condition to ensure compliance with the submitted mitigation, compensation and net gain strategy.

Conclusion

13. The proposed development would not adhere to the development plan but material considerations, namely the Framework, indicate that the appeal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal should succeed.

Alison Fish

INSPECTOR