



Appeal Decision

Site visit made on 4 July 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2023

Appeal Ref: APP/D1265/D/23/3321396

42 Boundary Lane, St Leonards And St Ives, Dorset BH24 2SE

- 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 R Hall against the decision of Dorset Council.
 - The application Ref P/HOU/2023/00120, dated 9 January 2023, was refused by notice dated 27 April 2023.
 - The development proposed is erect ground floor extension, raise ridge of roof to allow loft conversion to include dormer windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council are in the process of preparing a new Local Plan. However, based on the evidence before me it is at a very early stage of preparation. As such, the emerging Local Plan is accorded very limited weight in this decision.
3. On the decision notice, the Council refer to the National Planning Policy Framework 2021 (the Framework). A new version of the Framework came into effect in September 2023. However, as the Framework's policy content insofar as it relates to the main issues is unchanged, I do not need to seek views from the appeal parties in this respect.

Main Issues

4. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt; and
 - if the proposed development is inappropriate, whether the 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

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state

that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to several exceptions as set out in paragraph 149. One such exception is c) 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.

6. No specific development plan policies are highlighted in the reason for refusal. However, Policy KS3 of the Christchurch and East Dorset Local Plan is referred to within the Householder Application Report. Amongst other provisions, this policy identifies what the Council consider to be the most important purposes of the Green Belt in the area, focusing on the protection of individual settlements by maintaining wedges and corridors of open land between them. Therefore, whilst concerning the Green Belt, Policy KS3 is not determinative in this appeal.
7. The term original building is defined as a building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally. The main parties agree that the original building, a bungalow, comprised a footprint of 110sqm and the proposed development would provide an additional 109sqm of floorspace. Such an increase is significant, particularly given that it comprises alterations to a substantial proportion of the roofscape that would increase the volume of the building to create an upper floor. Therefore, I conclude that the proposed development would be disproportionate in comparison to the original dwelling.
8. Whilst I appreciate the attempts of the appellant to amend the proposed development as a result of a dismissed appeal on the site¹, including the reduction of the width and height of the roof, it would result in a disproportionate addition over and above the size of the original building. Consequently, it would not meet the exception set out in paragraph 147c) and, therefore, would be inappropriate development in the Green Belt and should not be approved except in very special circumstances.

Openness

9. The Framework states that openness is an essential characteristic of the Green Belt. It has a spatial as well as a visual aspect. Whilst there are substantial trees and mature hedgerows along Boundary Road, as the existing buildings, predominantly low-lying bungalows, are set back from the highway the built form is largely screened from view and a sense of openness is apparent in the area.
10. The existing mature hedge along the boundary of the appeal site with Boundary Road currently limits views of the existing property from the highway to above the access gate. However, the proposed increase in floor space and volume of the loft conversion across the majority of the existing bungalow would be visible above the hedge, thereby harming the visual openness of the Green Belt. In addition, the ground floor extension would provide built form where there is currently none, resulting in harm to the spatial openness of the Green Belt.

¹ APP/D1265/D/22/3292458

11. Notwithstanding the evolution of the design of the proposed development, in comparison to the original building, the substantial size and scale of the appeal scheme would result in a harmful loss of the visual and spatial openness of the Green Belt. As such, it would conflict with the fundamental aim of the Green Belt and its ability to serve its purpose of safeguarding the countryside from encroachment, as set out in paragraph 138 of the Framework.

Other considerations

12. My attention has been drawn to various applications on the appeal site including Certificates of Lawful Development (CLD) relating to a single-storey side extension² and a loft conversion³ and Prior Approval for a single-storey rear extension⁴. On this basis, there is more than a theoretical possibility that all or some of these schemes could be constructed.
13. The loft conversion CLD comprises the installation of dormer windows to the side and rear of the bungalow to facilitate the use of part of the roof space. No alterations are proposed to the front roof slope or the height of the ridgeline. In contrast, the appeal scheme would comprise the raising of the roof across the majority of the original building and the provision of dormer windows to the front and rear elevations. This would result in more substantial additions to the roofscape of the existing bungalow and cause greater harm to the visual openness of the Green Belt than the loft conversion CLD.
14. The use of a planning condition removing permitted development rights has been suggested. Whilst such a condition would restrict further development of the extended property, should I be minded to allow the appeal, it would not alter the fact that the proposed development would be inappropriate development in the Green Belt and cause harm to its openness. Therefore, it would not overcome the concerns set out above.
15. Concerning the side extension CLD and the rear extension subject of the Prior Approval application, these would result in an increased length of the front elevation and projection to the rear of the existing dwelling compared to the proposed development. However, given the siting and single-storey scale of the side extension, harm to the visual openness of the Green Belt would be limited. Whilst there would be a difference in the depth of the proposed rear extension compared with the Prior Approval scheme, this would not be of a scale sufficient to conclude a substantially increased degree of harm to the spatial openness of the Green Belt resulting from the Prior Approval scheme. Regardless of the larger gross internal area of the combined fallback schemes, the increased volume of the proposed loft conversion, in comparison, would have a moderately more harmful effect on the visual openness of the Green Belt. Therefore, I afford these fallback scenarios, individually and in combination, moderate weight.
16. The higher standard of design and local vernacular features included in the proposed development, in comparison to the fallback scenarios, weigh in favour of the grant of planning permission. However, whilst limited design detail is included within the CLD and Prior Approval schemes, this does not preclude the use of high-quality design and local vernacular features within the fallback

² Council ref: P/CLP/2022/06513 dated 29 November 2022

³ Council ref: P/CLP/2022/06510 dated 29 November 2022

⁴ Council ref: P/PALH/2022/06509 dated 28 November 2022

scenarios. As such, I afford the certainty provided within the proposed development relating to its design and architectural style limited weight.

17. Although the proposed development would provide additional accommodation for the appellant's family and facilitate improvements to the condition and energy efficiency of the existing dwelling, I have no substantive evidence before me to conclude that these upgrades would not be possible, irrespective of my decision. Therefore, I give these benefits limited weight.
18. I have also been referred to a recent appeal decision on another site within the surrounding area⁵ where the Inspector in this case concluded that very special circumstances had been demonstrated to justify the grant of planning permission. However, the Inspector determined that, as the fallback scenario comprised substantially more additional floorspace, including a significant increase in the building footprint, it would result in a more harmful loss of openness to the Green Belt than the appeal scheme therein. As such, the appeal at Beech Lane represents a materially different circumstance to this case to which I attach limited weight.

Green Belt Balance

19. The proposed development would be inappropriate development in the Green Belt and would result in a harmful loss of openness to the Green Belt, in both visual and spatial terms. The Framework indicates that inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Framework requires that the harm by reason of inappropriateness and to the openness of the Green Belt be given substantial weight.

Conclusion

20. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify the grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

Juliet Rogers

INSPECTOR

⁵ APP/U1240/D/19/3228676