



Appeal Decision

Site visit made on 23 October 2023 by T Bennett BA(Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2023

Appeal Ref: APP/N3020/D/23/3326986

11 Kighill Lane, Ravenshead, Nottinghamshire NG15 9HN

- 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 Newsome against the decision of Gedling Borough Council.
 - The application Ref 2023/0092, dated 30 January 2023, was refused by notice dated 26 May 2023.
 - The development proposed is removal of the existing rear conservatory, proposed single-storey extension to the front and rear, alterations to the rear dormer roof and the conversion of existing detached garage forming an annex.
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Decision

1. The appeal is dismissed insofar as it is related to the removal of the existing rear conservatory, proposed single-storey extension to the front and rear and alterations to the rear dormer roof.
2. The appeal is allowed insofar as it is related to the conversion of existing detached garage forming an annex. Accordingly, planning permission is granted for the conversion of existing detached garage forming an annex at 11 Kighill Lane, Ravenshead, Nottinghamshire, NG15 9HN in accordance with the terms of the application, Ref 2023/0092, dated 30 January 2023, and the plans submitted with it, insofar as they are relevant to the part of the development hereby permitted and 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 dated 25 January 2023: 17.4 Garage Conversion and P1 Site Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

4. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt; and
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons for the Recommendation

Whether Inappropriate Development

5. Paragraph 149 of The Framework outlines that the construction of new buildings, other than in specific exceptions, should be regarded as inappropriate in the Green Belt. One such exception to this, set out at Paragraph 149c), is for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. In this context, the original building means the dwelling as originally built or as the building existed on 1 July 1948 (whichever is the later).
6. Policy 3 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) (ACS) confirms that the principle of the Green Belt will be retained. The Framework does not define what a disproportionate addition would be. However, Policy LPD13 (Extensions to Buildings Within the Green Belt) of The Gedling Borough Local Planning Document Part 2 Local Plan (2018) (LPD) seeks that extensions to buildings in the Green Belt do not result in the floorspace of the building being over 50% larger than when originally constructed.
7. The above policies are consistent with the Green Belt objectives of the Framework and without any alternative definition of what constitutes a disproportionate addition, the requirements of the development plan are pertinent to my considerations.
8. The conversion of the garage to a residential annex would not result in additional floor space or changes to the scale of the building, with the only noticeable change being the replacement of the garage door with a window. Therefore, this element of the proposal would not constitute inappropriate development in the Green Belt.
9. However, in relation to the proposed changes to the main dwelling, the Council has calculated that the proposals would result in a 180% increase in floorspace over and above the original dwelling and this has not been disputed by the appellant. This far exceeds the 50% threshold set out in policy LPD13 of the LPD.
10. Therefore, having regard to the explicit requirements of the development plan, I find that the extensions and alterations to the main dwelling would be disproportionate and would not fall within the exception identified at paragraph

149c) of the Framework. This element of the proposals would therefore constitute inappropriate development in the Green Belt.

Effect on openness

11. Paragraph 137 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The Framework indicates that openness is an essential characteristic of the Green Belt. It has been held in the High Court that openness is epitomised by the lack of buildings or development. Openness can have a spatial aspect as well as a visual aspect.
12. The appeal site comprises a detached bungalow set within a spacious plot. There is also a detached garage accessed via a long driveway, set back behind and partially obscured by the appeal property.
13. The property is located on the south-east side of Kighill Lane in the Green Belt, characterised by predominantly detached bungalows and two-storey dwellings in large plots. A prevailing characteristic is the arrangement of properties in a linear pattern, set back, but facing the road, behind large front gardens and with long gardens to the rear. This contributes positively to the open character and appearance of the area.
14. The increased floor area and volume of the dwelling as a result of the extension would undoubtedly have a spatial impact. Whilst the rear extension would not be visible from public vantage points, the proposed changes to the roof and front elevation, would increase the built form and would be visible within the street scene. Although this would be seen in the context of surrounding large properties, they would nevertheless be notable additions.
15. Overall, when the visual and spatial effects of the extensions are taken together, there would be a modest effect on the openness of the Green Belt. In that regard, the extensions would not preserve the openness of the Green Belt, thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework.

Other Considerations

16. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity.
17. The appellant has submitted supporting evidence which sets out the personal circumstances of an occupier at the property. I have carefully considered the submitted information and I understand that the proposal would provide wider and more accessible space including a larger kitchen, a ground floor wet room and increased storage and that this would assist that occupier.
18. However, I am not persuaded that improvements to the accommodation and internal layout to address the specific personal circumstances could not have been achieved through alternative means, for example through reconfiguration of the existing floorspace. In addition, it is not clear why additional first floor bedroom and bathroom accommodation would assist the personal circumstances of the identified occupier. Therefore, I attach moderate weight

to the need of addressing the specific personal circumstances presented in this case.

19. I acknowledge that the extensions are well designed, and would utilise complementary materials. Whilst I find that the proposal would not cause harm to the character and appearance of the area, this is a separate consideration to an assessment of the effect of the proposal on the Green Belt.
20. The appellant states that the proposal would make efficient use of the land. However, the site is located within the Green Belt where one of the key functions is to keep land permanently open. Thus, there is no imperative to develop the land in planning terms and this is not a matter that attracts weight in the favour of the proposal.
21. Reference has been made to a 'Green Belt Assessment' by the Council in 2015 and the appellant suggests that the site sits within a broad area to the south of Ravenshead that is least valuable in Green Belt terms. However, the Framework and the policies of the development plan do not suggest a grading of the Green Belt in an assessment of harm. For the reasons given the proposals to the main dwelling constitute inappropriate development in the Green Belt.
22. My attention has also been drawn to other developments in the vicinity. With regards to the replacement dwelling at No 225 Longdale Lane, I do not have the full details of the case before me and I cannot be sure of the original scale of the dwelling. Furthermore, replacement buildings are considered under a separate exception in the Framework and therefore this is not directly comparable to the appeal scheme. The plan for the conversion and extension of an outbuilding at that property indicates that the extensions would result in a lower percentage increase in floor area compared to the proposal before me.
23. The 1998 planning application at 47 Kighill Lane would have pre-dated the Framework and current development plan policies. I also do not have full details of this case. The example at No 272 Longdale Road relates to a change of use. The plans for the outline application at Old Longdale Craft Centre indicate that the residential development was to replace the craft centre. These matters would have been considered on their own merits and differ from the proposal before me. Accordingly, I attach minimal weight to the examples submitted and they do not justify the conflict I have identified with the development plan and the Framework.
24. There would be small economic benefits associated with the employment of builders and trades people, as well as a potential increase in revenue derived from Council tax. However, in the context of the local economy those benefits would be limited.

Green Belt Balance

25. The proposed extensions and alterations to the dwelling constitute inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. As part of the assessment, I have also found that the extensions would result in a modest effect on the openness of the Green Belt. Very special 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. This is a high hurdle for a development proposal to overcome.

26. I have found that moderate weight should be attached to the personal circumstances of the appellant and the other considerations in this case attract limited weight.
27. In conclusion and on balance, the substantial weight to be given to Green Belt harm, is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the extensions and alterations to the main dwelling do not exist.
28. For the reasons given, the overall conclusion is therefore that the appeal should be dismissed in respect of the proposed extensions to the main dwelling.

Other Matter

29. The Council raised no concerns with the conversion of the existing garage to form an annex, and from the evidence before me I have no reason to come to a different conclusion on this matter. This part of the proposal does not constitute inappropriate development in the Green Belt and does not therefore conflict with the development plan or the Framework. It is evident from the plans that are before me, that this aspect of the appeal scheme is clearly severable, both physically and functionally from the proposals to the main dwelling. With that in mind, there is no reason why planning permission cannot be granted for this aspect of the proposal.

Conditions

30. In addition to the standard time period for commencement of the garage conversion, a condition requiring the development to accord with the respective plans, is necessary to provide certainty and precision. The Council has also suggested a condition requiring the external materials to be used in the construction of the development to match those of the existing building. In the interests of the character and appearance of the host property and the street scene I agree that this condition would be necessary.
31. The Parish Council noted that the garage is not to be used as a separate dwelling. Indeed, as the description of the proposed garage conversion confirms it will form an annex, a separate condition to specify this is not necessary.

Recommendation

32. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed for the conversion of the existing detached garage to form an annex. However, the proposals for the removal of the existing rear conservatory, proposed single-storey extension to the front and rear and alterations to the rear dormer roof should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

33. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is in part allowed, and in part dismissed.

M Russell

INSPECTOR