



Appeal Decision

Site visit made on 21 November 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/N1025/D/23/3324653

10 Morley Almshouses Lane, Morley, Derbyshire DE7 6DL

- 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 Rhodes against the decision of Erewash Borough Council.
 - The application Ref ERE/1122/0014, dated 20 October 2022, was refused by notice dated 31 May 2023.
 - The development proposed is single storey side extension to create an orangery including flat roof with lantern light, French doors and glazing.
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Decision

1. The appeal is allowed, and planning permission is granted for single storey side extension to create an orangery including flat roof with lantern light, French doors and glazing at 10 Morley Almshouses Lane, Morley, Derbyshire DE7 6DL in accordance with the terms of the application Ref ERE/1122/0014 dated 20 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1122/0014 Isometric View 1 AMENDED 2023.04.19
 - 1122/0014 Isometric View 2 AMENDED 2023.04.19
 - 1122/0014 Proposed Front Elevation A03 AMENDED 2023.04.19
 - 1122/0014 Proposed RHS Elevation A04 AMENDED 2023.04.19
 - 1122/0014 Proposed LHS Elevation A05 AMENDED 2023.04.19
 - 1122/0014 Proposed Rear Elevation A06 AMENDED 2023.04.19
 - 1122/0014 Existing and Proposed Floorplans 1
 - 1122/0014 Existing and Proposed Floorplans 2
 - 1122/0014 Existing Elevations
 - 1122/0014 Site Plan
 - 1122/0014 Site Location Plan

- 3) The material to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Main Issues

2. The appeal site lies within the Green Belt, therefore the main issues are: -
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework)
 - if the proposal is found to be inappropriate development, 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 required to justify the development.

Reasons

Whether inappropriate development

3. The appeal property is a detached dwelling, which from my site visit, appears to be of some considerable age. There is evidence, upon examination of the external building materials and the surrounding curtilage, that there have been a number of alterations and extensions to the property, some of which have been removed. A number of outbuildings and other external structures still remain in a variety of conditions.
4. The proposal is for a single storey side extension, which would be constructed on an area of land that has previously housed an extension of some sort. The appellant indicates that historically, a pig pen was located in that area, when under different ownership. There is still evidence of construction (foundations) at that location.
5. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 of the National Planning Policy Framework (the Framework) lists the types of development that are not considered inappropriate in the Green Belt. These include, for the purposes of the appeal, the extension or alteration of a building provided it does not result in a disproportionate addition over and above the size of the original building.
6. The proposed kitchen extension would be added to the existing side elevation of the host dwelling and would be an extension of the building's fabric, it is an extension of the residential use, providing an incidental function within its curtilage, and would be attached to the host dwelling. It is reasonable therefore to consider the appeal scheme as an exception under paragraph 149 (c) of the Framework.
7. Accordingly, its overall scale, would be considerably smaller than the scale of the original dwelling. As such, the effect of the kitchen extension on the host dwelling would be limited and even when taken cumulatively with other extensions and outbuildings would not, in visual terms, result in a disproportionate addition over and above the size of the original building particularly given its modest size.

8. In terms of its appearance, the proposal would have a flat roof, but would utilise a lantern in that area to allow for natural light. As the property is set back from the highway and the extension would be located behind an existing wall, it would not have a significant visual effect on the locality. Given that the extension is located to the side of the property amongst other structures and outbuildings, I find that it would not add to the visual sprawl.

Conclusions on inappropriate development

9. Consequently, I find that the proposal would not be inappropriate development in the Green Belt and would accord with policy 3 and 10 of the Erewash Care Strategy (2014) and Saved Policies GB4 and DC2 of the Erewash Borough Saved Policies Document and the provisions of the Framework.
10. With respect to openness and the purposes of the Green Belt, given my findings, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within in. As the proposal does not amount to inappropriate development, very special circumstances are not required to justify the proposal.

Conditions

11. In addition to the standard time limit condition, a condition listing the approved plans is necessary to provide certainty, as is a condition requiring use of matching materials to ensure a satisfactory appearance.

Conclusion

12. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal is allowed.

Paul Cooper

INSPECTOR