



Appeal Decision

Site visit made on 25 October 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/B3030/D/23/3321534

4 The Orchards, Oxtun, Nottinghamshire NG25 0SY

- 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 Ms Laura Mackin against the decision of Newark & Sherwood District Council.
 - The application Ref 22/01655/HOUSE, dated 19 August 2022, was refused by notice dated 17 March 2023.
 - The development proposed is described as the "demolition of existing garage, front conservatory/utility and rear porch. Proposed erection of 2-storey side extension and single-storey rear extension".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In determining this appeal involving development within a Conservation Area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Post validation amendments were made by the appellant to omit a sliding gate from the proposal and confirm that Tree 01 would be retained. Revised plans were submitted, although the same drawing numbers are shown on both existing and revised plans, and Tree 01 is shown to be removed. For clarity, I have determined the appeal on the basis of the revised plans and the appellant's email in Appendix 1 of their appeal statement, confirming Tree 01 is to be retained.
4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 5 September 2023, replacing the version published on 20 July 2021. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

5. 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,
- the effect of the proposed development on the character and appearance of the host property, and whether the proposed development would preserve or enhance the character or appearance of the Oxtan Conservation Area, and
- 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 or not inappropriate development

6. 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; the essential characteristics of Green Belts are their openness and their permanence.
7. The Framework establishes that new buildings within the Green Belt should be regarded as inappropriate development. There are exceptions to this, including paragraph 149 c) which allows for 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.
8. Spatial Policy 4B of the Amended Core Strategy Adopted March 2019 (ACS) outlines, among other things, where new housing development will be focused within the Green Belt. It also states that any other development within the Green Belt that is not identified in the policy, such as the proposed development, shall be judged according to national Green Belt policy.
9. The Framework does not provide a definition of the term 'disproportionate additions'. As a guide, the Council consider extensions of between 30%-50% increase from the original building would not be considered disproportionate. Although useful, this guidance is not within the development plan and, therefore, an assessment of whether the proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
10. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally'. Having regard to the evidence submitted, including historical maps, caselaw and an appeal decision¹, it would appear, on the balance of probabilities, that the garage and coal store were erected at the same time as the original property, sometime between 1955 and 1959, and therefore form part of the 'original building'.
11. As part of the development proposed, the garage and coal store, together with the front conservatory/utility and rear porch, are to be demolished. Taking this into account, both the Council and appellant state that the proposed development would result in the floorspace of the original building being extended by approximately 53.5% and its volume by 59.5%. The Council

¹ APP/R0335/D/18/3203386

further state that the footprint of the original building would be increased by 63.3%, which the appellant does not dispute. These measurements demonstrate that the proposed development would comprise a considerable increase in the floorspace, footprint and volume of the original dwelling.

12. However, the assessment of whether an extension is 'disproportionate' is not a matter that can be solely based on a statistical set of indicators. The scale, bulk, massing and built form also need to be considered.
13. The appellant asserts the extensions have been designed to be subservient to 4 The Orchards. While the first floor element of the proposal would include a lowered ridge and the single storey extension has been designed to be read 'flat' against the backdrop of No 4, they would, nevertheless, add greater bulk, massing and scale to the property, particularly at first floor level and to the rear of the property. They would also considerably increase the size of the original property's footprint. The demolition of the existing single storey structures would only partially offset the increase.
14. Furthermore, the proposed extensions would be located to the front, side and rear of the property. Having regard to the semi-detached form of No 4, the proposed extensions would therefore subsume a large portion of the original property.
15. The proposed extensions would therefore result in a significant increase in the scale, bulk, mass and built form of the original property, thereby resulting in disproportionate additions over and above the size of the original building.
16. Consequently, the proposed development would comprise inappropriate development within the Green Belt and would not satisfy Spatial Policy 4B of the ACS or the exception set out in paragraph 149 c). In accordance with paragraph 148 of the Framework, I give substantial weight to the harm identified.
17. The Council have referred to Core Policy 9 of the ACS within their reason for refusal. This policy requires, among other things, new development proposals to demonstrate a high standard of sustainable design. As this policy does not refer to the Green Belt, it is not determinative to this matter.

Openness of the Green Belt

18. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both visual and spatial aspects.
19. While the proposal seeks to demolish a number of single storey structures and consolidate the mass of the property, the proposed development would, nevertheless, have a visual impact upon the openness of the Green Belt. This would be as a result of its significant scale and massing, particularly at first floor level and to rear of the property. This would be visually evident from The Orchard in particular, but there would also be limited views from Blind Lane and Honeyknab Lane.
20. The proposal would also significantly increase the bulk, scale, massing and built form of the property, which would reduce the openness of the Green Belt in

spatial terms. This reduction in openness would be limited and localised but it would result in harm to the Green Belt.

Character and appearance

21. No 4 is a two storey, semi-detached property with a hipped roof, a detached garage and coal store to its side and single storey extensions to the front and rear. It lies within a row of properties that front onto The Orchards. The properties along this road were all built during the mid-to-late 1950s and have a degree of uniformity in their design, particularly with regard to the hipped roofs.
22. No 4 is located within the Oxton Conservation Area (CA). The CA was designated for its ancient connections to the forest and medieval origins. It is characterised by the medieval church and collection of 18th to early-19th century houses, cottages and farmhouses which are predominately constructed in red brick, with pantile and tiled roofs, arranged in largely linear forms. The CA's significance derives from the predominately linear form of development and a broadly consistent palette of materials. No 4 makes a neutral contribution to the character and appearance of the CA in terms of its layout and materials of construction.
23. The design of the proposed first floor extension, including the roof form, would be consistent with and would reflect the form, scale, fenestration and materials of No 4. While the Council sought a deeper setback to the front elevation, when combined with the significantly lowered ridge and setback to the rear, the first floor extension would appear subservient to No 4. As a result of the design and layout, the first floor extension would be of an appropriate scale and massing, which would ensure it would not result in a dominating addition to the host property.
24. There would be limited views of the proposed rear extension from both Blind Lane and Honeyknab Lane. Although having a large footprint, its flat roof and single storey scale, together with matching materials, would ensure the extension would assimilate well with the two storey scale of the existing property. This element would also be viewed alongside similar neighbouring extensions at 1 and 2 The Orchard and 4 Orchard Court and, as such, would not appear as an uncharacteristic feature in this regard.
25. As a result, the proposal would preserve the linear arrangement of the built development along The Orchard and reinforce the consistent palette of materials in the area. It would therefore have a neutral impact upon the CA, thereby preserving its character and appearance and, in turn, its significance.
26. For these reasons, the proposed development would not harm the character and appearance of the host property and would preserve the character and the appearance of the CA as a whole. This accords with Core Policies 9 and 14 of the ACS and Policies DM5, DM6 and DM9 of the allocations and Development Management Development Plan Document Adopted July 2013 which require, among other things, development proposals to demonstrate a high standard of sustainable design, reflect the rich local distinctiveness of the District's landscape and character of built form, respect the design, materials and detailing of the host dwelling and conserve and protect the historic environment. It also accords with the Framework, which seeks to ensure

development is visually attractive and sympathetic to local character and protects and enhances the historic environment.

Other considerations

27. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and 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.
28. The appellant asserts the demolition of existing structures and consolidation of the built development within the appeal site would be a visual improvement. Nevertheless, the proposed development would harm the Green Belt and any visual improvement, therefore, would be limited.
29. No 4 sits within a wider plot, which the appellant contends can 'take' the amount of development proposed, without feeling forced or unduly cramped. While I have found the proposal does not cause harm to the character and appearance of the host property and would preserve the character and the appearance of the CA, I have nonetheless found that the proposal would be harmful to the Green Belt.
30. Although the appellant refers to the possibility of a rear extension being constructed under permitted development, no further details have been submitted. Therefore, in the absence of substantive evidence, such as a lawful development certificate, I am not persuaded that there is a realistic fall-back position in terms of development under permitted development that merits positive weight towards granting the appeal proposal.
31. The appellant considers the proposal would provide a more efficient and liveable interior, benefitting from improved levels of natural daylight. In addition, Tree 01 is to be retained as part of the development proposed. These benefits carry limited weight.
32. The development would result in additional relief to the shared boundary with 5 The Orchard. An absence of harm in respect living conditions of neighbouring occupiers is a neutral matter.
33. A number of other appeal decisions have been drawn to my attention, although based on the submitted evidence, these do not appear directly comparable. For instance, in one decision², the development proposed comprised a small infill extension, which the Inspector concluded would not result in a disproportionate addition. In a further decision³, although the volume of the proposed development would exceed the threshold used by the Council as a guide, there was a reduction in the footprint of the building and, as a result, the Inspector concluded the development was not inappropriate development. In any case, I have considered the appeal proposal on its own merits.
34. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special

² APP/B3030/D/19/3241277

³ APP/B3030/D/21/3274159

circumstances. Very special circumstances to justify inappropriate development 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.

35. I have concluded that the appeal scheme would be inappropriate development having an adverse effect on the openness of the Green Belt that would, by definition, harm the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
36. The other considerations I have identified are of limited weight in favour of the proposal. Although finding that the proposal would not harm the character and appearance of the host property and would preserve the character and the appearance of the CA as a whole, an absence of harm in this respect can only be considered as a neutral factor in the planning balance. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist.

Conclusion

37. For the above reasons, I conclude that the proposed development conflicts with the development plan as a whole. There are no material considerations, including the Framework, which indicate that I should conclude other than in accordance with it. Consequently, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR