



Appeal Decision

Site visit made on 5 December 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/V1260/W/23/3322191

Penningtons, Arrowsmith Road, Poole BH21 3BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Sean Flavin against Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/01699/F is dated 11 December 2022.
 - The development proposed is described as 'We propose to build a 2 storey rear extension and first storey extension to the rear of the property in keeping with the character of the existing building. The proposal seeks to modernise and update the house for continued residential use.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the 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;
 - the effect on the openness of the Green Belt;
 - the effect of the proposal upon biodiversity and protected species; 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

3. The appeal site comprises a detached residential dwelling that has been previously extended. The dwelling sits within sizable grounds that partly comprise a number of mature trees and woodland. The site and wider landscape form part of the Green Belt.

Whether inappropriate development

4. Policy PP2 of the Poole Local Plan (November 2018) (LP) states that the Council will carefully manage the Green Belt in accordance with national policy. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted 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 a number of exceptions as set out in paragraph 149. One such exception being 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.

5. Annex 2 of the Framework defines the original building as: 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
6. The appeal proposal would provide additional extensions to the building and see an existing single-storey part of the building altered to provide two-storey accommodation. To facilitate this, the built form would be altered and extended to accommodate the additional storey. The Council has provided evidence stating that the floor area of the existing dwelling is 252% bigger than that of the original dwelling. They further state that the proposal would increase the dwelling by an additional 41% resulting in an extended dwelling 355% larger than the original. There is no dispute between the parties that the dwelling has already been previously extended with the appellants evidence stating that the proposal would extend the main house by 162m².
7. There has therefore already been a significant increase in the floor area and resultant size and scale of the original building with the proposal resulting in a further significant increase in the volume, footprint and floor area in relation to that of the existing and original building. Taken together, these increases would amount to substantial and disproportionate additions over and above the size of the original building.
8. Consequently, I find that by reason of the resultant disproportionate additions, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Paragraph 149(c) of the Framework and as a result would also conflict with LP Policy PP2.

Openness

9. Paragraph 137 of the Framework states that the essential characteristics of Green Belts is their openness.
10. I note the appellant's argument that the site cannot be seen from the public domain and as a result would not have a visual effect on openness. However, the Planning Practice Guidance (PPG)¹ states that 'openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume'. This means that the absence of a visual impact does not in itself mean that there is no impact on the openness of the Green Belt.
11. The extensions would be solid, man-made features in space adjoining and above the existing dwelling where no buildings currently exist. As such, and by reason of the increased size, volume, bulk and floorspace of the appeal proposal, it would have a spatial impact by introducing development in the

¹ Paragraph: 001 Reference ID: 64-001-20190722

space around the building. This impact would fail to preserve the openness of the Green Belt.

12. As openness is an essential characteristic of Green Belts, the appeal proposal would cause moderate harm in this regard. This is a matter to which I am required to give substantial weight.

Biodiversity and protected species

13. The site includes, and is adjoined by, significant areas of tree planting and woodland. From the evidence before me, these areas have the potential to provide suitable habitat for bats and the potential to support bat roosts. In light of this, there is also potential for bat roosts within the roof of the existing dwelling that would be affected by the development.
14. Policy PP33 of the LP states, amongst other things, that proposals for development that affects biodiversity must demonstrate how any features of nature conservation and biodiversity interest are to be protected and managed to prevent any adverse impact. The policy further states that a biodiversity appraisal should be submitted where there are protected, or important species and habitat features either within the site or in close proximity to it. It further states that the appraisal will need to demonstrate that the development will not result in any adverse impacts and secures a net gain for biodiversity.
15. In light of the location of the proposal close to woodland involving works to alter the existing roof, and in the absence of a biodiversity appraisal in the form of a roosting bat survey or similar, the proposal fails to demonstrate how any features of nature conservation and biodiversity interest would be protected or managed to prevent any adverse impacts.
16. In conclusion on this matter, in the absence of evidence to the contrary, the proposal would have a harmful effect upon biodiversity and protected species. As such, the proposal is contrary to Policy PP33 of the LP.

Other considerations

17. I have considered the appellant's case with regard to the percentage of built land at the site only increasing by 0.8% to 3.65% and lack of harm to any 'green space', with the extensions confined to existing structures and hard-surfaced areas. Whilst this is appreciated, paragraph 149 c) of the Framework requires a consideration of whether the proposal represents a disproportionate addition over and above the size of the original building rather than the size of the site or percentage of land built on. As a result, I give this matter limited weight in my consideration.
18. I note the offer from the appellant to demolish existing outbuildings, but I give this very limited weight as demolition of these buildings are not shown on the plans accompanying the proposal and as a result do not form part of the application before me.
19. I have taken into account the lack of objections from neighbouring properties, lack of harm to trees, surrounding fields, and the lack of protected vistas, views or viewpoints impacted by the proposal. However, these matters are neutral in my consideration. Also neutral in my consideration is the suitable design of the proposal given that this is a requirement of local and national planning policy.

20. I have very limited information before me in relation to the other planning applications referenced by the appellant to be able to establish whether they are similar to the appeal proposal. In any case, I am required to consider the appeal on its merits.
21. I have had regard to the concerns raised by the appellant regarding communication with the Council and the service received from them during the course of the planning application, but this is not a matter before me for consideration.

Conclusion

22. The proposal results in a harmful loss of openness to the Green Belt. As a result, the proposal would be inappropriate development in terms set out by the Framework. The Framework requires that substantial weight should be given to any harm to the Green Belt. This weighs heavily against the proposal that also fails to demonstrate that the development would not adversely impact upon biodiversity.
23. In this context, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. I have given limited weight to the other considerations cited in favour of the development. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the scheme do not therefore exist and the development would conflict with the Green Belt protection aims of the Framework and those of Policy PP2 of the LP.
24. Overall, for the reasons given above, the proposal conflicts with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

C Rose

INSPECTOR