



Appeal Decision

Site visit made on 15 January 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/P0119/D/23/3325088

99 Badminton Road, Coalpit Heath, South Gloucestershire BS36 2TD

- 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 G Dodd against the decision of South Gloucestershire Council.
 - The application Ref P23/00652/HH, dated 12 April 2023, was refused by notice dated 17 May 2023.
 - The development proposed is a first floor extension above the existing garage, plus retrospective approval of unauthorised changes in design and building materials (part retrospective).
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - the effect of the proposal on the living conditions of the occupants of No 101 Badminton Road (No 101), with respect to outlook; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

3. The Framework states that the construction of new buildings is to be regarded as inappropriate development subject to the exceptions which are set out in paragraph 154. Part c) of this paragraph lists 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, as one such exception.
4. The proposal would extend over an existing single storey projection, and whilst not adding to the footprint of the property, it would add bulk and massing at first floor level. However, the additional height would be limited, remaining below the existing ridge of the property. The extension would be subservient in

scale to the dwelling and would not significantly alter the overall scale or shape of the building.

5. The Council estimate the additional volume proposed at 15.5% of the original property (as first constructed). Neither 'disproportionate' nor 'limited extension' is defined in the Framework. However, in view of its modest scale and position, the extension would not result in disproportionate additions over and above the size of the original property.
6. Therefore, I find that the proposal would not be inappropriate development in the Green Belt and would accord with the provisions of the Framework in this respect.
7. With respect to openness, both visual and spatial, and the purposes of the Green Belt, given my findings that the proposal would not be inappropriate development in the Green Belt, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it.

Living Conditions

8. The rear elevation of the appeal property sits along the side boundary of No 101, close to the rear elevation of this neighbour. This is an unusual relationship not typical of conventional relationships between neighbouring properties.
9. As such, whilst the garden is a good size and there are views over it to the rear, given its proximity and scale, the outlook from the rear elevation of No 101, including a conservatory, and from the rear patio area, is dominated by the appeal property. The proposed extension would extend the first floor towards No 101, presenting an extended and prominent blank elevation at first floor level above the boundary and the adjacent outbuildings.
10. Even if I were to agree that the outbuilding is a non-habitable room, as are the rooms the first floor windows serve, the dominating impact of the property upon the outlook from the kitchen, conservatory and rear patio area of 101 would be exacerbated by the extension, and views from these areas would have an increased sense of enclosure. The development would adversely affect the quality of living conditions available to users of these rooms and the garden area as a result. The slightly elevated position of the conservatory and glazing on three sides would not mitigate for the imposing nature of the proposed extension, given its scale and proximity.
11. In light of the foregoing, it is concluded that the proposal would have a harmful effect on the living conditions of the occupiers of 101 Badminton Road in terms of outlook. The proposal therefore conflicts with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (2017) which collectively require development to not prejudice the amenities of neighbours.

Other Considerations

12. I am mindful of the Public Sector Equality Duty arising from Section 149 of the Equalities Act 2010 (the Act). The Act sets out the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard, in particular, to the need to eliminate discrimination, advance equality of opportunity and foster

good relations between people who share a relevant protected characteristic and those who do not. Amongst other things, for the purposes of the Act protected characteristics includes disability.

13. I have given the family's personal circumstances very careful consideration. Whilst the development offers some benefits to the appellant's family there is no compelling evidence that there are no other less harmful ways of providing suitable accommodation in terms of a further bedroom. As such, in this instance, this benefit carries modest weight.
14. It is acknowledged that the extension would allow for the appellants to continue to reside within the community, however again, there is no compelling evidence that this extension is the only way of securing this. This matter also therefore carries modest weight.

Conclusion

15. Although I have found that the proposed extension would not represent inappropriate development in Green Belt terms, this would be a neutral matter which would not be sufficient to outweigh the harm identified with regards to outlook. This would result in conflict with the development plan and carries significant weight. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan.
16. For the reasons above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR