



Appeal Decision

Site visit made on 12 February 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2024

Appeal Ref: APP/G1630/D/23/3327328

4 St Clair Cottages, Staverton, Cheltenham, Gloucestershire GL51 0TW

- 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 Peter Redman against the decision of Tewkesbury Borough Council.
 - The application Ref 22/00869/FUL, dated 28 July 2022, was refused by notice dated 26 June 2023.
 - The development proposed is a two storey side extension extending to rear and a porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description is taken from part E of the appeal form and the Council's decision notice. This is to reflect the amended nature of the proposal.
3. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.

Main Issues

4. 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 openness of the Green Belt; 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

5. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS) sets out that in the Green Belt, "*development will be restricted to those limited types of development which are deemed appropriate by the NPPF,*

unless very special circumstances can be demonstrated". 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.

6. The Council has put forward that the exception at paragraph 154(c) is applicable. In accordance with Policy GRB4 of the Tewkesbury Borough Local Plan 2011– 2031 (LP), this provides 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, as one such exception.
7. Additionally, the appellant has put forward that the exception at paragraph 154 (g) is relevant. It provides for the limited infilling or the partial or complete redevelopment of previously developed land, where this would not have a greater impact on the openness of the Green Belt than the existing development. No other exceptions are relied upon.
8. The proposed two storey side extension would extend the roof form of the property and the width of the first floor frontage, adding a gable and substantially increasing its massing. This would add sizeable bulk to the front elevation and would add to the overall mass of built development on the site. It would also encroach into the existing open gap at first floor level between the existing dwelling and the neighbouring property.
9. Whilst the existing garage and rear conservatory would be removed, these are modest single storey structures. The extension would create a dwelling which would be considerably larger than the original and overwhelm its original modest form.
10. There is no substantive evidence before me that an original outbuilding was in place when the property was first built and was subsequently incorporated into the existing garage. As such, there is also no substantive evidence before me to dispute the Council's conclusions that the proposed extension and porch would add 98.76% to the original buildings floor area.
11. Neither 'disproportionate' nor 'limited extension' is defined in the Framework or Local Plan. However, it is clear that the near doubling of the original floor area would represent a substantial increase in the size of the original building. As such, the proposal would not meet the criteria of paragraph 154(c).
12. In order to ascertain whether the paragraph 154(g) exception applies, an assessment of the effects of the proposal on the openness of the Green Belt is required. Paragraph 142 of the Framework identifies openness as an essential characteristic of the Green Belt. The courts have held that the openness of the Green Belt has a spatial aspect as well as a visual aspect.
13. The substantial increase in volume over the existing building indicates a clear spatial loss of openness. In addition, whilst located in a constrained cul de sac and set within a large plot, due to its two storey nature and the front projecting gable, the proposal would be clearly perceptible and more prominent from the highway and the neighbouring properties, as it would extend over the width of the plot to a greater degree, particularly at first floor level.
14. The proposal would therefore have a greater impact on the openness of the Green Belt both spatially and visually. The harm to openness would be significant. As such, the proposal would also not meet the criteria of paragraph 154 (g).

15. In light of the above I conclude that the additions proposed would result in inappropriate development in the Green Belt, as set out in JCS Policy SD5, LP Policy GRB4 and paragraph 154 of the Framework.

Openness

16. As set out above, the development would result in substantial harm to openness, both spatially and visually.

Other Considerations

17. 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 sexual orientation.
18. 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 before me that there are no other less harmful ways of providing improved accommodation, including bedroom sizes, or that no other suitable, affordable, accommodation nearby is available. As such, in this instance, this benefit carries modest weight in favour of the proposal.
19. The proposal would result in the removal of the flat roofed element of the existing garage, however, given its limited scale it has a modest visual impact, and as such, any visual benefit in its removal would also be modest. The appellant points to benefits relating to roof insulation, rain water harvesting and electric car charging, however again, it has not been demonstrated that this development is necessary to provide these benefits. As such, they carry limited weight in favour of the proposal. Similarly, it is not substantiated that the development is necessary or that benefits would be significant in relation to matters raised by the appellant such as planning law, council tax and key workers. Again therefore, these matters that have little weight in in favour of the proposal.
20. Reference is made to other nearby developments, at Nos 7 and 8 St Clair Cottages. With regards to the former, the Council set out that this floorspace increase was some 58% which is significantly smaller than the proposal before me. In relation to the latter, the limited evidence before me suggest that this was a new dwelling, considered by the Council as limited infilling in villages, and as such, in that instance, not inappropriate. As such, neither development is directly comparable to the scheme before me.

Conclusion

21. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. The other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to LP Policy GRB4, JCS Policy SD5, the development plan

as a whole and the guidance contained in the Framework relating to Green Belts.

22. For the reasons given above I conclude that the appeal is dismissed.

B Phillips

INSPECTOR