



Appeal Decision

Site visit made on 7 February 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/V3120/D/23/3326328

Thickets, Hinksey Hill, Oxford, Oxfordshire OX1 5BQ

- 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 and Mrs Ballard against the decision of Vale of White Horse District Council.
 - The application Ref P23/V0565/HH, dated 7 March 2023, was refused by notice dated 1 June 2023.
 - The development proposed is above ground garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- a) 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;
- b) The effect of the proposal on the openness of the Green Belt;
- c) The effect of the proposal on the character and appearance of the area;
- d) 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

Inappropriate development

3. The appeal site is known as Thickets, a detached dwelling located within a spacious plot. This dwelling is set well back from the road within a wooded site. Several trees on the site are protected by a Tree Preservation Order. The site is wholly within the Oxford Green Belt.
4. Similar to Paragraph 154 of the Framework, Policy CP13 of the Vale of White Horse Local Plan 2031, Part 1 ('LPP1'), cites the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

5. I have not been directed to a local definition of 'Original building.' 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.
6. Neither national guidance nor local policy gives specific direction on how to come to a view as to what constitutes 'disproportionate additions' beyond a comparison between what is original and the extent of any additions. This requires an assessment as to whether the proposal would, when taken in combination with any previous additions to the original building, result in disproportionate additions in terms of size. As a result, an element of planning judgement is also involved in the decision-making process. In my view an assessment of size includes aspects such as footprint, floorspace, height and volume.
7. In this case, neither party has identified the extent of the original building. Irrespective of whether or not this included the former garage at the appeal site which has been demolished, this no longer exists and does not form part of my assessment. As such, for the purposes of my assessment I have taken the original building as the existing dwellinghouse which remains on site.
8. The size comparison between what is original and the extent of any additions is independent of matters relating to openness, the purposes of the Green Belt and effects on character and appearance. Also, it does not include a fallback position of an unimplemented consent for an extension or permitted development rights. I shall though return to such matters under Other Considerations below.
9. The proposed garage has a footprint of approximately 91 sqm. The plans submitted with the application show that the dwellinghouse has a footprint of about 104 sqm. Whilst the garage is single storey, its footprint would nearly double that of the original building. The proposal would also introduce a significant amount of additional floorspace and volume relative to the original building. Therefore, the proposed garage because of its overall size, would be a disproportionate addition to the original building.
10. Furthermore, because no other exceptions to inappropriate development apply, the proposal constitutes inappropriate development in the Green Belt.

The effect of the proposal on the openness of the Green Belt

11. Paragraph 142 of the Framework says that the essential characteristics of Green Belts are their openness and their permanence. The extent to which a proposal may cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.
12. The proposed garage would be located within an area of the site which is free of any significant development. Therefore, built development with a sizeable footprint, as proposed, would result in some spatial erosion of the openness of the Green Belt. Also, because of its overall scale, the proposed garage would reduce the visual openness of the Green Belt. Nonetheless, because the appeal site is well screened by existing boundary treatments and vegetation (albeit this will be reduced) the extent of harm to the openness of the Green Belt would be limited.

13. On the evidence before me, the proposal would not conflict with any of the purposes of the Green Belt.
14. Nevertheless, for the above reasons, the proposal would result in limited harm to the openness of the Green Belt, contrary to the provisions of the Framework.

Character and appearance

15. The built development within the vicinity of the appeal site is characterised by large detached dwellings of individual designs located within spacious and verdant plots. Along the section of road that the appeal site is located, dwellings are generally set back within their plots with limited development close to the road. Even so, glimpsed views of built development are available from the road via driveways and some more open frontages associated with these properties. Furthermore, in the wider area, there are plots which incorporate garages and outbuildings close to the road, albeit these are largely screened by mature landscaping. As such, these also contribute to the identity of the area.
16. The siting of the proposed garage would introduce a large building closer to the road. The new garage and access would require the removal of two trees and the partial removal of understorey from one group of trees. Nevertheless, the combination of the boundary treatments and retained landscaping, would largely screen the extent of the proposed garage from the road. Because of this and the wider context, I am not persuaded that this would be so prominent within the street scene so as to unacceptably harm the character and appearance of the area. Accordingly, I find no conflict with Policy CP37 of LPP1, which amongst other things says that development responds positively to the site and its surroundings and reinforce local identity.

Other considerations

17. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances.' It is stated that very special circumstances 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. The appellants have put forward a number of such considerations in support of the proposal.
18. The appellants have referred to extensions and out buildings, which could be built at the appeal site under the provisions of permitted development. However, I have only been provided with some information in relation to a prior notification for a single storey rear extension with glazed sliding doors to rear and side elevations ('the fallback').
19. Given that the appellants have obtained prior notification, there is a reasonable prospect of the fallback being carried out. Even so, because the area of the fallback is separate from the location of the proposed garage, the appellants could build the fallback irrespective of my Decision. Moreover, if the appeal were allowed, there is no certainty that the appellants would not implement the fallback scheme. As such, given that the fallback could be constructed in addition to the proposal, this attracts limited weight.
20. The appellant's submissions include examples of developments which have been allowed on nearby residential plots within the Green Belt. Nonetheless, I have insufficient information on why these developments were found not to be

inappropriate development within the Green Belt. Also, the consideration of impact on openness would have been assessed on a site by site basis, which includes a degree of judgement on the part of the decision maker. As such, these examples do not alter my findings on the main issues.

21. The lack of harm to the character and appearance of the area is a neutral factor in the overall balance.

Green Belt balance

22. The proposal would harm the Green Belt by way of inappropriateness and loss of openness. The Framework requires substantial weight to be given to any harm to the Green Belt.
23. Having taken account of all matters raised in support of the proposal, 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 development do not exist. As such, the proposal conflicts with Policy CP13 of LPP1 and the Green Belt provisions of the Framework.

Other Matters

24. During the application process the appellants submitted an amended scheme for a smaller garage at the appeal site. Whilst it is unclear why this was not considered as part of the application process; this is a matter for the Council.

Conclusion

25. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR