



Appeal Decision

Site visit made on 9 April 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2024

Appeal Ref: APP/G1630/D/23/3330914

2 Knoll Cottages, Gloucester Road, Staverton, Cheltenham, Gloucestershire GL51 0SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Kate Turner against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/0071/FUL.
 - The development proposed is single and first floor extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

3. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect on the character and appearance of the host dwelling and the surrounding area; and
 - whether the 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 inappropriate development

4. The appeal site lies within the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Some settlements and buildings are over-washed by the Green Belt. Although the site is close to other buildings, this has no bearing on the application of Green Belt policy or its purposes.

5. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 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 the exceptions set out in paragraph 154. 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.
6. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy adopted December 2017 (JCS) seeks to protect the Green Belt from harmful development and restrict development therein in accordance with the Framework.
7. 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. The reference to 'size' can incorporate volume, height, external dimensions, footprint or visual perception. The Framework does however provide a definition of the 'original building' as being a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
8. The appeal property is a semi-detached 2 storey dwelling with rendered walls and a slate roof. The Council's assertion that the single storey outbuildings, which have since been converted to residential accommodation and attached to the dwelling with a small extension, were not present on the site in 1948 is undisputed. Accordingly, they do not form part of the original dwelling.
9. The appeal submissions indicate that the original 2 up 2 down cottage, as it was likely first built, was subject to a later rear extension to the rear. From my observations on site, this extension is in the form of a single storey lean to addition. Together with internal works, the appeal proposal seeks to enlarge the existing rear projection at ground floor level and add a flat roof first floor extension above the ground floor adjunct to the rear of the property.
10. The proposed ground floor addition, which would extend only marginally beyond the existing single storey outbuildings and link extension, would be relatively modest on its own. However, the first floor extension, while lower in height than the main building, would nevertheless be a tall addition that would extend the full width of the 2 storey dwelling, and would project a significant distance from the existing first floor wall of the dwelling. Consequently, it would have a considerable built form and overall volume, particularly in combination with the existing single storey rear extensions.
11. As such, the proposed extensions overall, in addition to the existing additions to the property, would demonstrably increase its size from its original modest proportions. Accordingly, having regard to the increase in floor area as well as the overall scale and volume of the proposed extensions, in cumulative terms, the proposal would represent a disproportionate increase in relation to the original dwelling.
12. I therefore conclude that the proposal would constitute disproportionate additions over and above the size of the original dwelling. As such it would not fall within the exceptions listed at para 154 of the Framework and would constitute inappropriate development in the Green Belt which is, by definition,

harmful. In that regard the proposal would fail to accord with Policy SD5 of the JCS and the provisions of the Framework.

Effect on openness

13. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. Notwithstanding the presence of neighbouring residential and commercial properties, as well as the busy main road, the openness of the Green Belt is clearly evident around the property and the wider area.
14. The proposed ground floor addition would result in only a marginal increase in the footprint of the dwelling, on part of the site which is largely contained by the existing built form. However, the proposal would result in the introduction of built form at first floor level into space where currently there is none and therefore, in spatial terms, would reduce the openness of the Green Belt. Nonetheless, the reduction in the openness and subsequent harm to the Green Belt would be limited due to the modest scale of the extension.
15. Having regard to the visual aspect of openness, given the siting and orientation of the property within the street scene, the resulting height and massing to the flank elevation of the dwelling, as a consequence of the first floor extension, would be readily apparent in views of the side elevation of the property from Gloucester Road. However, due to the size and siting of the extension, which would be viewed within the context of the existing dwelling, it would have a limited effect on the Green Belt in visual terms.
16. For these reasons in both spatial and visual terms the proposed development would result in harm, albeit limited, to the openness of the Green Belt. In accordance with the Framework substantial weight is given to any harm to the Green Belt.

Character and appearance of host dwelling and surrounding area

17. The proposed single storey extension, which would in part replace the converted outbuilding and link, would be lower in height and subservient in scale and appearance to the host dwelling. Due to the siting, size and design it would not be a discordant or unduly visually prominent addition to the property. It would therefore not cause harm to the character and appearance of the host dwelling or the wider area.
18. The flat roof design of the first floor extension would represent a continuation of the existing form of the 2 storey flat roof element of the existing property. Notwithstanding this, by virtue of its overall scale, height and massing, the extension would be an anomalous feature at odds with the overall scale of the existing dwelling and would fundamentally change the appearance of the building. Moreover, the first floor extension, which would extend the full width of the property and up to the flank elevation, and would project significantly further than the existing first floor flat roof section of the building, would be visible in views along the road towards the site where it would appear out of context with the host dwelling.
19. For the foregoing reasons the proposed first floor extension would lead to harm to the character and appearance of the host dwelling and the surrounding area. In that regard it would conflict with Policy SD4 of the JCS which among other things, requires new development to respond positively to, and respect the

character of the site and its surroundings and be of an appropriate scale, and Policy RES10 of the Tewkesbury Borough Local Plan 2011 – 2031 in so far as it supports proposals for extensions where the scale is appropriate to the character and appearance of the existing dwelling and its surrounding area.

Other considerations

20. The appellant indicates that the proposed extensions would be of a higher quality than the original building and would enhance the energy and thermal efficiency of the building. This benefit attracts limited weight as there is no substantive evidence to show the appeal development is the only option in achieving any improvements.
21. I acknowledge that the proposed extensions would offer benefits in terms of the layout of the residential accommodation, which the appellant suggests is problematic for young children and those with reduced mobility due to variations in floor levels, poor insulation and poor plumbing design. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which includes disability and age.
22. While I acknowledge there may be benefits to occupiers of the dwelling in that regard, there is limited evidence before me, and no substantial exploration of suitable alternatives to the proposal which would avoid harm to the Green Belt. Therefore, I attribute limited weight to this matter in favour of the proposal.
23. I have had regard to the 2 storey extension to the rear of the adjoining semi-detached property at 1 Knoll Cottages, which is similar in design terms to the appeal scheme. However, the extension differs from the appeal proposal in terms of overall scale and siting, as it is narrower in width and set in from the side elevation of the property. Furthermore, I am not aware of the specific policy context or circumstances in relation to the extension, or the outbuildings that have been constructed at the property. As such this matter is of limited weight.
24. The appellant has drawn my attention to planning permissions granted by the Council for extensions to dwellings near to the appeal site¹, as well as other developments in the area including a multi storey car park and bus station. However, I do not have full details in respect of such works so I cannot be sure of the circumstances of these cases. In any case, I have determined the appeal on its own merits, based on the evidence before me.
25. The absence of objection from the occupiers of 1 and 3 Knoll Cottages would itself not render the scheme acceptable.
26. While I am sympathetic to the appellant's frustrations with Council during the determination of the planning application, the lack of communication and whether the planning officer conducted a site visit are not determinative to the appeal. Nor are the alleged inaccuracies in the planning history section of the officer's report.

¹ LPA Refs. 22/00911/PDE and 20/00601/FUL

Green Belt Balance and Conclusion

27. The appeal scheme would be inappropriate development which the Framework indicates is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The proposal would also result in harm to the openness of the Green Belt. In addition, the proposal would harm the character and appearance of the area.
28. Overall, I conclude that the matters weighing in favour of the appeal proposal, even in their collective totality, do not clearly outweigh the harm to the Green Belt that I have found. Therefore, the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.
29. For the reasons given, I conclude the appeal should be dismissed.

E Worley

INSPECTOR