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# Appeal Decision

Site visit made on 15 March 2024

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 April 2024**

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**Appeal Ref: APP/U2750/D/24/3336606**

**Penny Gate Cottage, Swindon Lane, Kirkby Overblow HG3 1HH**

- 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 Mr and Mrs Carter against the decision of North Yorkshire Council.
  - The application Ref is ZC23/03122/FUL.
  - The development proposed is a roof extension to the existing annex along with conversion of the existing garage.
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## Decision

1. The appeal is allowed and planning permission is granted for a roof extension to the existing annex along with conversion of the existing garage at Penny Gate Cottage, Kirkby Overblow, HG3 1HH in accordance with the terms of the application, Ref ZC23/03122/FUL, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Block Plan, Drawing Number P-002 Rev B; Proposed Annex Plans and Elevations, Drawing Number P-004 Rev B; Existing and Proposed Street Elevation, Drawing Number P-007 Rev A.
  - 3) The construction of the external walls and roof shall not commence until a sample of the proposed external stonework and sample of the proposed external roofing material have been made available on site for inspection by the local planning authority and have subsequently been approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

## Main Issues

2. The appeal site is within the Green Belt and the Kirkby Overblow Conservation Area so the main issues are:
  - Whether or not the proposed development 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 of the proposed development on the openness of the Green Belt;
  - Whether or not the proposed development preserves or enhances the character and appearance of the Kirkby Overblow Conservation Area; and

- If the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development.

## **Reasons**

### *Site and proposed development*

3. The appeal site comprises a detached dwelling and an associated outbuilding to the north of the dwelling. The outbuilding is a flat roof building located in a position fronting onto the street. The main part of the dwellinghouse is situated at a lower level set slightly deeper into the plot. The property is located within the Green Belt and the Kirkby Overblow Conservation Area (KOCA).
4. The proposed development would involve the increase in height of the outbuilding and the erection of a pitched roof above it.

### *Whether or not inappropriate development*

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 154. One of the exceptions cited is 154 c) 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. Policy GS4 of the Harrogate Local Plan (2020) states that development within the Green Belt will be determined in accordance with the relevant national policy.
6. The appeal proposal involves the extension to an existing outbuilding. The courts have held that an existing detached domestic outbuilding could be regarded as part of the dwelling and, therefore, that an extension to the outbuilding could be regarded as an extension to the house. Given the close relationship between the outbuilding and the rest of the dwelling, I consider that in this case, as per the case law, that the extension to the outbuilding can be regarded as an extension to the house.
7. The Framework does not define what constitutes a 'disproportionate' addition. Although the proposed development would not increase the overall footprint of the property, it would add additional volume. The appellant's evidence suggests that when considering the outbuilding on its own, the increase in volume would amount to a 46% increase. Although a figure is not provided, when taken with the volume of the main body of the dwelling, the percentage increase would be even lower.
8. Therefore, it follows that given the overall size of the extension, it would not result in a disproportionate addition over and above the size of the original building.
9. Given my conclusion above, the proposal does not represent inappropriate development in the Green Belt, it is therefore not necessary for me to consider the effect of the proposal on the openness of the Green Belt, or whether there are any very special circumstances necessary to justify the development.

10. The development therefore is not inappropriate development in the Green Belt. It would comply with the Framework and Policy GS4 of the Harrogate Local Plan (2020).

*Character and appearance of the Kirkby Overblow Conservation Area*

11. The appeal site is located within the Kirkby Overblow Conservation Area (KOCA) which is characterised as forming an historic rural village with many traditional stone-built buildings, with the church and public house forming notable landmark buildings.
12. The main part of the dwellinghouse on the appeal site is situated at a lower level where it is not readily visible from the street-scene. The outbuilding is more visible, where it forms part of the Swindon Lane street-scene. Although it is constructed of stone to match the adjacent dwelling and outbuilding, it has a flat roof which appears squat and harmfully disrupts the existing gable roofs which are prevalent in this part of the KOCA. As a result, it is out of keeping with the positive aspects of the KOCA. The outbuilding is identified in the Conservation Area Appraisal as forming an 'Area for Enhancement'.
13. The outbuilding sits slightly lower in the street-scene, between an existing two storey dwelling and an outbuilding which appears to be part of the adjacent dwelling. When considering this context, the increase in scale and mass would not result in a discordant relationship with the surrounding built environment, and this has been demonstrated in the submitted computer generated images.
14. The design of the roof would be more appropriate in both the immediate context and the wider KOCA, where I observed other examples of outbuildings with gable roofs. The use of traditional materials to match those of the existing building and in the wider area would also ensure that the development does not appear incongruous.
15. I therefore find that the resulting building would sit more comfortably in its location than at present and would represent an improvement on the current situation. The development would therefore enhance the character and appearance of the KOCA in a minor way, and at the very least, would preserve it. It would comply with Policies HP2 and HP3 of the Harrogate Local Plan (2020). These policies require that proposals affecting a conservation area protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting; and that development should incorporate high quality building design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.
16. The proposed development would also comply with the requirement of the Framework that great weight is given to the conservation of heritage assets.
17. Policy HP8, as referred to in the Council's second reason for refusal, relates to the protection and enhancement of community facilities and is not pertinent to the main issues.

### **Conditions**

18. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
19. It is also necessary to impose a planning condition requiring the submission of samples of external materials to be used. This is in the interests of the character and appearance of the KOCA.

### **Conclusion**

20. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*A M Nilsson*

INSPECTOR