



Appeal Decision

Site visit made on 15 April 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/P0119/D/23/3330107

Midway – 54 Riding Barn Hill, Wick, South Gloucestershire BS30 5PA

- 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 Ms Vanka against the decision of South Gloucestershire Council.
 - The application Ref is P23/01499/HH dated 10 May 2023, was refused by notice dated 3 August 2023
 - The development proposed is a two storey side, first floor front and rear extensions to provide additional living accommodation, installation of new vehicular access and front gates.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development from the Council's decision notice. It simply and accurately describes the proposal.

Main Issues

3. The main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the proposal upon the openness of the Green Belt;
 - The effect of the proposed development upon the character and appearance of the area;
 - The effects on protected species; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the proposal?

Reasons

Whether the proposed development is inappropriate development in the Green Belt

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for a number of specified exceptions. One such

exception is 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.

5. Policy PSP7 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (2017) (PSP) relates to development in the Green Belt and states that as a general guide, an addition to a building resulting in a volume increase up to 30% of the original building would be likely to be proportionate.
6. It goes on to advise that volume increases between 30% and 50% will be carefully assessed with particular regard to whether the proposal would appear out of scale and proportionate to the existing building. The larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new extension will be considered proportionate. Additions resulting in a volume increase of 50% or more will be considered disproportionate.
7. Whilst the proposed development would not result in a volume increase of 50%, it would not be far off, resulting in an increase in the size of the original building significantly greater than the 30% increase prescribed under the policy. As such, in my judgement, the proposal would result in disproportionate additions over and above the size of the original dwelling.
8. Therefore, the proposal would represent inappropriate development as set out in the Framework; Policy PSP7; Policy CS5 of the South Gloucestershire Local Plan Core Strategy (2013) (CS) and Development in the Green Belt Supplementary Planning Document (2007).

The effect on openness

9. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
10. Whilst the proposal would not occupy a significant area of the plot, in terms of Green Belt impact the proposal would introduce further built form at the site extending the footprint and volume of the dwelling considerably resulting in a loss of openness in spatial terms. On account of its overall form the resultant building would be conspicuous from surrounding properties and the roadside thereby resulting in a visual impact upon openness.
11. As such, I find that there would be a loss of openness of the Green Belt contrary to the aims and objectives of the Framework.

Character and appearance

12. The appeal site sits within linear residential development extending along the northern side of Riding Barn Hill but otherwise housing is more sporadic. The character of the site and the sporadic nature of existing housing contribute to the verdant and semi-rural character of the area.
13. The appeal property is a modestly sized bungalow with a dominant half-hipped roof design and a dormer window in the front roof slope. The dwelling is set back into the site and sits within a sizeable mature plot. Nearby dwellings vary considerably in terms of design and scale but the separation between buildings,

mature plots and boundary vegetation and low height fencing along the roadside contribute to the character of the area.

14. The proposed extensions, alterations and the extent and height of the proposed wall and gates would markedly change the appearance of the host dwelling. However, given the considerable design variety that exists locally I do not find that this would be harmful to the character of the area.
15. The proposed side extension would be large in terms of its scale and mass, however, it would be read as a subservient addition to the host property. Whilst the wall plate would be raised the overall height would be commensurate with the height of nearby dwellings and the existing half hipped roof design would be retained.
16. Riding Barn Hill is punctuated with footway crossings and a new driveway to create an in/ out driveway would not, in my view, significantly change the appearance of the street scene. I acknowledge that the proposed boundary wall and gates would appear more as an urban feature on account of their design and height. However, there are examples of boundary walls in close proximity of the site, therefore, it would not appear as an incongruous feature. Moreover, a condition for green landscaping could be secured by condition to soften the visual impact of the wall and gates, if I were minded to allow the appeal.
17. Overall, the proposal would not adversely affect the character and appearance of the host property and the area, It would accord with Policies CS1; Policies PSP1 and PSP38 and the Householder Design Guide Supplementary Planning Document (2021) which, amongst other things, seek the highest possible standards of design; developments to respond constructively to buildings and characteristics that make a positive contribution to the distinctiveness of the area and for residential extensions to respect the form, scale, proportions and architectural detailing of existing dwellings.

Protected species

18. The appellant produced a Preliminary Ecological Appraisal Report which concluded there is a moderate likelihood of the presence of bats foraging on or commuting through the site. As a consequence, the Council's Ecology Officer requested an emergence/re-entry survey to be undertaken to establish whether bats are present on site.
19. Considering the potential for protected species I cannot be certain that the situation in respect of protected species has been adequately established. Consequently, in the absence of an emergence/re-entry survey I am not satisfied that sufficient evidence has been provided to demonstrate that the proposal would not have an adverse effect on bats.
20. I note the appellant's comments that the planning application was refused before the survey could be undertaken, however, the actions of the Council is not a matter for me as part of this Section 78 appeal.
21. As such, the proposal would be contrary to Policy PSP19 which, amongst other things, seeks to avoid harm to protected species and habitats.
22. I note the council have referred to Policy PSP18 in the third reason for refusal, however, I find that with specific regard to this appeal I have given it negligible weight in coming to my decision.

Other Matters

23. The appellant has indicated that a number of dwellings along Riding Barn Hill have been substantially extended. However, I have not been made aware of the individual circumstances that led to them being built. In any case, each appeal must be considered on its own merits.
24. I note the appellant's personal circumstances and given it careful consideration. I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I find that this factor is not sufficient to outweigh the harm that I have identified.
25. The appellant has referred to their permitted development rights as a potential fallback position. I acknowledge that such permitted development rights may well exist, but I have seen nothing to suggest that they would genuinely pursue this option if the appeal failed or that such works would be materially similar to what is currently proposed. I therefore afford this matter only limited weight in coming to my decision, furthermore, I have determined this appeal on its own individual planning merits.

Conclusion

26. In line with the Framework the proposal would be inappropriate development in the Green Belt. It would also result in a loss of openness. I attach substantial weight to this harm. I have also found that the potential impact upon protected species has not been established.
27. Whilst the proposals would not be harmful to the character and appearance of the area, this factor alongside 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.
28. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR