



Appeal Decision

Site visit made on 1 May 2024

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/P0240/D/23/3331975

11 St Nicholas Close, Tingrith, Bedfordshire, MK17 9EL

- 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 Hickey against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/02043/FULL.
 - The development proposed is single storey and two storey front & rear extension, alterations to existing driveway and oil tank relocated within timber gated enclosure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The host property sits immediately to the west of the churchyard of the Grade I Church of St Nicholas. In addition, the Tingrith Conservation Area (CA) lies to the south of St Nicholas Close with the eastern boundary cutting across the rear gardens of numbers 1, 10, 11 and 12 St Nicholas Close. However, it is no part of the Council's case that the setting of the listed building or that of the CA would be adversely affected by the proposed development. I agree with this position given the localised impact of the proposed development within the context of a visually discrete, established cul de sac of 12 large, suburban, twentieth century detached properties set in generous plots. In determining the appeal, I have been aware of my statutory duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the provisions of the Framework with regard to the setting of designated heritage assets.
3. I have been provided with the planning history of the site, including that a Lawful Development Certificate (LDC) (CB/23/00317/LDCP) was granted in 2023. In response to a third-party comment, the Council accepts that technically the extent of the front elevation of the proposed ground floor extension would not be permitted development. The legality of the LDC is not before me, nonetheless, notwithstanding the above, the principle of the general scale and form of the development set out in the LDC remains relevant for the purposes of this appeal.

Main Issue

4. The Council does not raise any objections to the single storey extension, alterations to the existing driveway, nor the relocation of the oil tank within a timber gated enclosure and I have no reason to disagree. Consequently, the

issue is whether the proposed two storey extension to the front and rear of the property would be inappropriate development having regard to the Green Belt and any relevant development plan policies; the effect of the proposal on the openness of the Green Belt; the effect of the proposal on the character and appearance of the 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

5. The site is located within the Green Belt. Paragraph 154 of the Framework establishes that the construction of new buildings within the Green Belt is inappropriate unless, amongst other things, it involves the extension of a building. However, any such extensions should not result in disproportionate additions over and above the size of the original building. Policy SP4 of the Central Bedfordshire Local Plan adopted 2021 (LP) relates to Green Belt and requires developments to be assessed in line with the provision of the Framework and Planning Practice Guidance.
6. The Central Bedfordshire Design Guide adopted 2023, provides further detail as to what is meant by disproportionate in size, citing a figure of up to 60% for floorspace, footprint and volume generally below which development would not be inappropriate. In addition, massing and design are matters that are put forward to be considered in determining if development is disproportionate. I have not been provided with any detail of the status of this guidance document other than that it is referred to as a Supplementary Planning Document (SPD). However, Policy SP4 clearly defers to the Framework in setting out the policy criteria by which applications are to be determined with reference to whether they are inappropriate, and the Framework is clear that in this context, the metric against which this is to be measured is size in comparison to the original building.
7. Consequently, the design of the proposed development is not relevant in determining whether the proposal is disproportionate. Neither party has provided a figure to demonstrate whether the volume of the proposed development exceeds 60% of the original building. However, the Council accepts that the increase in floorspace and footprint would be under the 60% threshold at around 53% and 59% respectively. Nonetheless, in my judgement the massing of the scheme, which reflects its volume, is such that the aggregate increase in the size of the original house is disproportionate. In coming to this conclusion, I am aware that the 60% figure is set out as a guiding principle and therefore, an element of judgement has been applied.
8. As such, the proposal would be inappropriate development within the Green Belt.

Openness

9. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their permanence and openness.

10. The proposed development would be a substantial two storey extension whose height would be just under that of the main part of the house, and whose depth would be such that it would have an unavoidable impact on the spatial openness of the Green Belt
11. This visual impact on the openness of the Green Belt would be heightened as the proposed development would appear monolithic and elongate the two-storey element of the property and would be visually prominent.
12. As such, I conclude that the proposed development would result in moderate harm to the openness of the Green Belt.

Character and appearance

13. St Nicholas Close is made up of large plots, set loosely around a cul de sac, many of which have been substantially extended or reconfigured.
14. The proposed two storey element would straddle the southern end of the property which is of an unexceptional appearance. It would lie at a tangent to the host property. The gable end at the front would be wider than the existing gable feature on the front elevation and would sit forward of the host property by around three metres. In the context of a large site, notwithstanding the advice in the SPD, extending forward of the building line need not necessarily result in poor development. However, unlike the works to the neighbouring property, and the other schemes to which I have been referred, at no 5, 10 and 12 St Nicholas Close that achieve a coherent design approach by taking advantage of the design possibilities of a large plot, it would read as unwieldy, dominant, cumbersome, and disproportionate. This would be further compounded by the crude roof treatment, which would involve the lengthening of the ridge line to form a hip, that would then elide into the pitch roof of the extension with no differentiation between the host property and the extension.
15. As such, the proposed development would appear awkward and would not improve the visual appearance of the property, nor be the high-quality design promoted by Policy HQ1 of the LP and the SPD. As such it would result in significant harm to the character and appearance of the host property and to the immediate St Nicholas Close.

Other considerations

16. As set out above, the property benefits from a LDC, the general scale and form of which I consider would have a realistic likelihood of implementation. It is agreed between both parties that this would result in an extension which would be disproportionate development and therefore it would be inappropriate development in the Green Belt.
17. Moreover, due to the size of the development which benefits from a LDC, the scheme would have a greater impact on the spatial aspect of openness in comparison to the appeal before me.
18. There would be an awkward gap between the proposed kitchen and the dining room. However, the two-storey element of the development would be tucked behind the existing building and the adverse impact on the visual aspect of openness, whilst it would be real, would be tempered by this configuration. The single storey extension would also have an unavoidable impact on the spatial and visual aspect of openness. Nonetheless, when compared to the appeal

before me the visual impact of a single storey side extension, and a two-storey element which sits to the rear of the host property would have less impact on the visual aspect of openness.

19. I have concluded that both the appeal proposal and the fallback position would result in moderate harm to the openness of the Green Belt, albeit the impact on visual openness would be more acute in the appeal proposal, and the impact on spatial openness would be greater in the scheme which benefits from the LDC. Therefore, I accord no advantage to be gained from the appeal proposal in relation to impact on openness. As such, it does not weigh in favour of the proposed development.
20. The design of the fallback position is a product of permitted development rights. There are elements of it, such as the roof of the single storey extension and the gap between it, and the two-storey element to the rear which would appear crude. Nonetheless, in terms of its relationship with the host property it would appear proportionate and would clearly articulate a subservient design and would not appear overweening, particularly given the depth of the plot to the front. In contrast, I previously concluded that the configuration and design of the appeal proposal would result in significant harm to the character and appearance of the host property and the immediate vicinity of St Nicholas Close to which I attach moderate weight.
21. I have carefully considered the impact of the fallback scheme on the contribution of its setting to the significance of the Grade I St Nicholas Church, and to the setting of the CA. However, for the reasons previously rehearsed I do not consider that the extension of the property, which would bring an existing suburban property marginally closer, would have an adverse impact on the setting of either designated heritage asset. As such, given that both schemes would have a neutral impact there is no advantage to be accrued in allowing the appeal proposal in relation to heritage issues.
22. Therefore, in sum there is no greenbelt advantage to be derived from the appeal proposal as both are inappropriate development in the Green Belt and whilst one may have a greater impact on the spatial aspect of openness the other would have a greater impact on the visual aspect of openness. Moreover, there is no other advantage to be gained in implementing the fallback position in comparison to the appeal proposal in relation to design or heritage matters. Therefore, no weight in favour of the proposed development should be accrued from the fallback position.
23. I note that most properties on St Nicholas Close have been extensively modernised and extended unlike the appeal site before me. However, each is of an individual design reflecting the site-specific characteristics of their plot and I do not consider them to be directly comparable to the design before me. In any case, I have determined the appeal before me on its own merits. Consequently, I have accorded this moderate weight in favour of this proposal.
24. Any benefit from an increase in accommodation or improvement to the host property, would be substantially private in nature. Therefore, I accord these considerations only limited weight in support of the development.
25. The proposal would improve parking provision. However, this could be implemented separately. Therefore, I accord this limited weight in favour of the proposed development.

Conclusion

26. In conclusion, the development is inappropriate development. Therefore, it is by definition harmful to the Green Belt, which the Framework indicates should be given substantial weight. In addition, there would be moderate harm to the openness of the Green Belt. Moreover, there would be significant harm to the character and appearance of the host property and wider area to which I give moderate weight. This cumulative harm carries substantial weight.
27. Having considered all matters raised in support of the proposal I conclude that, together, they do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the appeal proposal is contrary to Policies SP4 and HQ1 of the LP, the specific guidance in the SPD and the provisions of the Framework.
28. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR