



Appeal Decision

Site visit made on 23 May 2024

by Peter D Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/C2741/D/24/3337077

Greenacres, York Road, Deighton, York YO19 6EY

- 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 Beverley Quinn against the decision of City of York Council
 - The application Ref 23/01299/FUL, dated 30 June 2023, was refused by notice dated 31 October 2023.
 - The development proposed is single storey side extension after removal of garage/pantry.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal set out in the application form is incorrect as it refers to a rear extension. I have therefore used the description as it appears on the decision notice, which accurately describes it as a side extension.
3. The appeal documentation refers to the emerging *City of York Local Plan* (CYLP). The Council has explained that consultation on main modifications to the CYLP has been completed. However, I have not been informed as to whether any of the relevant CYLP policies are subject to main modifications or whether there are any unresolved objections to them. In this letter, I consider the weight to attach to each of the policies individually where relevant to making this decision.
4. In the period shortly before the appeal was submitted the Government published the revised *National Planning Policy Framework* (the Framework) in December 2023. For the purposes of determining this appeal, the Framework has not changed substantively insofar as it is relevant to the main issues in dispute and so I have not sought views from the main parties regarding this matter.

Main Issues

5. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt ;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the site and the surrounding area, with due regard to the Escrick Conservation Area; and
 - in the event that the proposal 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 necessary to justify the development.
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Reasons

6. The appeal property is a detached brick and tile two storey house standing in open extensive grounds at the northern end of the village of Escrick. It is within the Green Belt and the Escrick Conservation Area.
7. The property has benefitted from planning permission to build a large detached double garage (Ref 22/00401/FUL), which was subject to a condition that required an attached garage and store to the side of the house to be demolished. The double garage has now been built and the side offshoot recently demolished. The proposal is now to build a single storey side extension partly on the footprint of the side offshoot but significantly wider and deeper than it.

Whether inappropriate development

8. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate development other than in a limited number of circumstances. Paragraph 154(c) sets out one of these, which relates to the extension or alteration of an existing building providing the extension would not result in disproportionate additions over and above the size of the original building. Policy GB1 of the CYLP also allows for 'limited extension' of existing buildings in the Green Belt but it is not expressed in exactly the same way as the Framework and sets out additional qualifying criteria.
9. The Framework does not set a limit on the scale of extension, leaving it to the decision maker to determine whether the extension would be a disproportionate addition over and above the size of the original building. Policy GB1 of the CYLP does not define what is meant by 'limited extension' but, in the *House Extensions and Alterations Supplementary Planning Document (SPD)*, the Council explains that usually Green Belt extensions should not exceed a 25 per cent increase over the footprint of the original dwelling. However, the SPD acknowledges that given the increase in scale of extensions which can be undertaken under permitted development rights, a planned extension in the Green Belt larger than 25 per cent may be acceptable in preference to an uncontrolled extension under PD rights.
10. It is understood from the appeal documentation that the side offshoot was part of the dwelling as originally built. The Council in permitting the detached garage, which is wider and deeper than the side offshoot it replaced, took the view that as a separate detached building the impacts would only be acceptable if the side offshoot was demolished. By implication therefore the parties accept that the detached garage should be taken into account as an addition for the purposes of considering the exception at paragraph 154(c) of the Framework. Having regard to its proximity to the original building and its size, there are no compelling reasons to reach a different conclusion.
11. The extension being proposed now is not therefore a straight replacement for the side offshoot that has been lost but a further addition to the original building. In this context the proposed frontage width of the extension now proposed would be excessive and almost equal to the entire frontage width of the house. Moreover, the proposed floor area would be around a two thirds increase on the ground floor area of the main house. The proposed size of the extension on this basis would result in disproportionate additions over and above the size of the original building. Given the stage reached in the preparation of the CYLP, Policy GB1 can be considered to carry weight as it is consistent with the Framework and the proposal cannot be considered to be a 'limited extension'. Moreover, in the context of the SPD, the scale of the proposal is similarly contrary to the guidance, even allowing for the relaxation in the 25 per cent guide figure referred to above.

12. For the reasons above, I conclude that the proposed extension would be inappropriate development in the Green Belt and by definition harmful to it.

Openness

13. Green Belt is established to achieve a number of aims one of which is to assist in safeguarding the countryside from encroachment and one of the essential characteristics of Green Belts is their openness.
14. The scale and mass of the proposed extension would result in a spatial loss of openness to the detriment of the Green Belt.
15. It has been put to me that the screened nature of the plot means that there would be little visual harm to openness. Whilst this is true from the east it is not screened in all directions. The extension would be fully visible from the road viewed along the access drive, from where, combined with the new garage building, the previous open spacious appearance would change to a more closed courtyard format. There would therefore also be some visual loss of openness to the detriment of the Green Belt.

Character and Appearance

16. I acknowledge that the proposed extension would be of materials to match the original dwelling. Nevertheless, the extension would result in an excessive frontage width dominating the appearance of the main house. It is generally considered good practice in designing extensions to ensure that they complement the character and appearance of the main house and that they are subordinate to it. The appeal proposal would fail in this regard.
17. Moreover the impact of the extension would not be limited to the house itself. The *Escrick Conservation Area Site Appraisal* stresses the importance of the northern approach to Escrick. Here buildings are set in mature landscaped settings giving an open spaciousness and this is the essential character and significance of this part of the Conservation Area. The appeal site contributes to this spaciousness and the proposed development combined with the detached garage, harms this spacious character by introducing a more concentrated, courtyard form of development. It has been put to me that the extension cannot be seen from the road. Whilst this is true in the approach from the north along York Road, as above, the extension would be fully visible from York Road viewed along the access drive, from where, the erosion of the spacious character would be clearly visible.
18. Section 72(1) of the *Listed Buildings and Conservation Areas Act 1990* requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. For the reasons above, the character and appearance of the Conservation Area would fail to be preserved. Having regard to the nature and scale of the development, the harm to the significance of the Conservation Area would be less than substantial in the terms of the Framework. In these circumstances, Paragraph 208 of the Framework states that the harm should be weighed against any public benefit.
19. The appellant has not specifically presented any public benefits. I note the appellant's case that the extension would provide additional ground floor living space to meet the personal health circumstances of a family member. I have given this matter careful consideration with due regard to the Public Sector Equality Duty (the Duty) contained within section 149 of the *Equality Act 2010*, and I do not doubt that the scheme would provide the specific quality of life and benefits put forward to that family member. However, these benefits would accrue principally

to the occupier, rather than equate to wider public benefits. Notwithstanding the importance to the appellant of the proposed extension, any harm to the significance of a designated heritage asset carries great weight. Consequently, the harm to the Conservation Area would not be outweighed by public benefits.

20. Moreover, Policies D4 and D11 (the relevant policies of the CYLP), as with Policy GB1, carry weight given the stage reached in the preparation of the plan and their consistency with the Framework. Policy D4 seeks to ensure development preserves or enhances special character and this objective would not be met. Policy D11 of the CYLP requires development to respond positively to its immediate architectural context and local character in terms of scale and proportion amongst other things and this also would not be met by the proposal.

Other Considerations

21. As above, it has been put to me by the appellant that the personal health circumstances of a household member and his need for additional ground floor living space would amount to very special circumstances to justify the development.
22. I have also been invited to conclude that the proposal would meet the three sustainability objectives set out in the Framework. Paragraph 9 states that the three objectives should be delivered through the application of the policies in the Framework but that they are not criteria against which every decision can or should be judged. Applying the policies of the Framework, I note that paragraph 85 places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The scheme would fulfil this insofar as there would be some economic benefits during construction. However, these benefits attract limited weight as they would be relatively short term. I also note that the Framework seeks at Paragraph 63 to provide a mix of housing choice to meet specific needs but the benefits of this are limited given the small scale of the development and as no additional housing is proposed.
23. I have been referred to another extension in the vicinity at Talland House, Deighton which the appellant considers justifies the appeal proposal as the extension in that case is, in their opinion, significant. Given that this is predominantly a first floor extension over the original flat roof garage on a house having had no other extensions, I am not persuaded that the circumstances are sufficiently similar to be relevant in my determination. That development does not therefore indicate in favour of this appeal scheme, which I have determined on its own merits.
24. I have also been referred to the fact that there were no objections to the proposal from third parties. However the absence of objection does not of itself mean that the proposal is in all respects acceptable.

Planning Balance

25. Taken together, these other considerations in this case weigh modestly in favour of the development particularly the personal circumstances given the Public Sector Equality Duty. However, the proposal would be inappropriate development in the Green Belt, which is harmful by definition. There would also be spatial and visual harm to the openness of the Green Belt. Paragraph 153 of the Framework explains that any harm to the Green Belt attracts substantial weight. Additionally, I have found that the proposal would harm the character and appearance of the site and

the surrounding area, and fail to preserve the character or appearance of the Conservation Area.

26. Overall, the other considerations raised do not clearly outweigh the harm identified. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
27. I have not been provided with any relevant adopted development plan policies, Paragraph 11d of the Framework is therefore applicable. However, in this case the policies in the Framework that protect the Green Belt and designated heritage assets provide clear reasons for dismissing the appeal.

Conclusion

28. Therefore, having regard to all material considerations, I conclude that the appeal is dismissed.

P. D. Biggers

INSPECTOR