



Appeal Decision

Site visit made on 9 July 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2024

Appeal Ref: APP/R1038/D/24/3342792

29 Main Road, Cutthorpe, Chesterfield

- 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 Mr Wreghitt against the decision of North East Derbyshire District Council.
 - The application Ref 24/00157/FLH, dated 23 February 2024, was refused by notice dated 15 April 2024.
 - The development proposed is two storey side and rear extension with Juliet balcony, single storey rear extension, velux roof light and a new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: -
 - Whether the proposal 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 proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the host dwelling and surrounding area, having regard to whether the proposal would preserve or enhance the character or appearance of the Cutthorpe Conservation Area (CA).
 - Whether any 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

3. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Under section c) of that paragraph an extension to a building will not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not specify what might be considered a disproportionate addition but defines original building as the

building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

4. The Council has no specific percentage as to what it considers a disproportionate addition but policy SS10 of the North East Derbyshire Local Plan (2021) (the LP) is consistent with the Framework in terms of its aims and objectives for Green Belt policy.
5. The appeal property has a previous approval for a smaller raft of extensions to the property, approved for the previous owner, and the applicant bought the property with the planning approval and according to the evidence, it is intended to erect this approved scheme if this were to be dismissed, as a fallback position. An identical scheme to the current appeal, submitted by the current appellant was previously refused, but I understand has been resubmitted as the appeal timescale expired, hence the resubmission of an identical scheme and the current appeal. The appellant feels that the approved scheme would not fully meet his family's needs.
6. The Council states that the current footprint of the property is approximately 40 square metres (sqm) and that the unbuilt approval would increase that to approximately 72 sqm. The Council contend that the appeal proposal would raise the footprint to approximately 119sqm. This has not been disputed in the appellant's statement.
7. The proposal would add a significant increase to the scale and massing of the dwelling, significantly above the extant approval. Based on the evidence presented, having regard to the increase in volume, scale and massing, the proposed development would result in disproportionate additions over and above the size of the original building.
8. Consequently, for the reasons given above, the proposal would not fall under any of the exceptions listed in the Framework. The development would therefore be inappropriate development in the Green Belt having regard to chapter 13 of the Framework and policy SS10 of the LP, which follows the advice set out in the Framework.

Openness

9. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The proposal would have a spatial impact upon the Green Belt as it would add to the cumulative bulk, scale, and massing of the dwelling, and would result in an increase in built development. In terms of visual impact, some elements of the appeal proposal would be located to the rear, but it is likely that it would be visible from parts of the track.
11. Consequently, for the reasons given above, the development would not preserve the openness of the Green Belt, albeit to a very limited degree having regard to its size and location. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.

Character and appearance

12. As the proposal relates to a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
13. The proposed extensions would envelop most of the original elements of the building and would introduce single and two storey elements. The proposed extensions would have a significantly greater scale and massing than the existing projections.
14. Its design (including a mix of single and two storey sections) would jar with the traditional linear form of the host property. The proposal would result in a discordant addition which would poorly relate to the simple design of the host dwelling. The extensions would fail to complement the design of the original property and would be an unsympathetic addition. Consequently, the proposal would cause harm to the character and appearance of the host dwelling and surrounding area. For these reasons, the development would not preserve or enhance the character or appearance of the CA.
15. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
16. Given the location of the extensions, and the CA contains a mix of buildings, the level of harm would be less than substantial. Nonetheless, mindful of my statutory duties, this is a matter to which I attach considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
17. The appellant has outlined the benefits of the proposal, and I acknowledge that there would be some limited public benefits of the scheme. Nonetheless, the benefits are not sufficient to outweigh the harm that I have identified.
18. For the reasons given above, the proposed development would cause harm to the character and appearance of the host dwelling and surrounding area, and in the absence of any defined significant public benefit, I conclude that the development would not preserve or enhance the character or appearance of the CA. Consequently, the proposal fails to satisfy the requirements of the Act, the heritage advice given in the Framework and conflicts with Policies SDC5, SS1 and SDC12 of the LP, which, when taken as a whole, amongst other matters, expect development proposals to protect the character, quality and settings of towns, villages and heritage assets and respond positively to local character and context.

Other Considerations

19. The appellant has referenced the nearby dwellings, and previous approvals to those dwellings. I do not have details of those, or what planning policies they were approved under. The presence of those developments does not mean that I am obliged to approve an inappropriate scheme under current policy.

20. The appellant has also referenced the fallback position of the previous approval. That is smaller overall than the current proposals and was appraised accordingly by the Council at the time. The appellant has the ability to implement the scheme and has the right to do so. That does not attract any weight in favour of approving an inappropriate scheme.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

Paul Cooper

INSPECTOR