

Appeal Decision

Site visit made on 20 August 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2024

Appeal Ref: APP/P4415/D/24/3343784

6 St. James View, Ravenfield, Rotherham S65 4NL

- 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 Mrs Louise Smith against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2023/0669.
 - The development proposed is a first-floor rear extension, two storey front extension and erection of detached garden room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024, the Government published a consultation draft of proposed reforms to the National Planning Policy Framework (the Framework). The appeal site is located within the Green Belt and changes to decision making in those areas are proposed. However, the exceptions to the construction of new buildings in the Green Belt, against which the appeal proposal was assessed, are not proposed to be changed and as such, does not relate to the main issues of this appeal. As such, I have not sought the views of the main parties in coming to my decision.
3. The description of development in the banner heading above is taken from the decision notice rather than the planning application. This is because it more accurately describes the proposals before me, whereas the application form omits parts of the scheme.

Main Issues

4. The main issues are as follows:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to 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 area, including on the Ravenfield Conservation Area (RCA); and

- 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 in the Green Belt

5. Subject to the exceptions listed in Paragraphs 154 and 155, the Framework makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate. Of relevance to this appeal is paragraph 154(c), which advises that the extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy CS4 of the Rotherham Local Plan Core Strategy 2013 – 2028 (adopted September 2014) (CS) reiterates the approach of the Framework, advising that land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy. Policy SP2 of the Rotherham Local Plan Sites and Policies (adopted June 2018) (SP) goes on to advise that in considering proposed development in the Green Belt, particular regard will be had to the size, scale, volume, height, massing and position, among other things, to ensure proposals minimise the impact of development on the openness of the Green Belt. I am also referred to 'Supplementary Planning Document No. 3 Development in the Green Belt' (the SPD) which advises that an extension should not exceed more than 33% of the volume of the original building.
7. I understand that the host building was extended in 2011 after planning permission was granted¹ for an increase in roof height, installation of dormer windows, recessed balcony to rear, a porch and single storey side and rear extensions. Evidently, this resulted in an increase in volume of 55.29% over the size of the original dwelling. The Council advises that the appeal proposal would increase this figure to more than 75% in terms of a volumetric increase over the original building. The outbuilding proposed in this scheme is also shown in the Certificate of Lawful Development² (CLD) and is accepted as being permitted development. I understand this did not form part of the assessment of size of the proposal regardless.
8. I note the appellant does not dispute either of these percentage increase figures, although they do argue that the proposal would not result in a larger building footprint to that which currently exists. From my reading of the plans, the front extension would increase the building's footprint, although I understand that much of the development would be the addition of extensions at first floor level to the rear.
9. However, it is unclear as to how the addition of floor space would not result in a significant increase in floor area over and above the original building, particularly when it is added to the already large additions resulting from the 2011 development. Moreover, policy SP2 is clear that considerations will also include volume, height and massing, among others. The increase in volume when excluding the outbuilding is given as 180m³, while there would be a

¹ RB2011/0979

² RB2023/1441

significant amount of mass and height added to the rear elevation in particular. This would constitute disproportionate additions over and above the size of the original building.

10. I am presented with a number of appeal decisions which considered whether proposals resulted in inappropriate development in the Green Belt. I have extracts of these decisions but no plans, drawings or full decision letters. From the limited evidence before me, the 'White Cottage' appeal³ related to a replacement dwelling, while the 'Bedford Gate Cottage' appeal⁴ considered a single storey rear extension. Neither are directly comparable to the proposal before me. The appeal⁵ at 'The Chase' evidently allowed extensions amounting to 178.5 square metres of additional floor space. However, as I have concluded, the Framework references 'size' in a more holistic sense while policy SP2 of the SP considers other matters such as volume, height and massing rather than floor space only. Regardless, all of those proposals would have had their own site-specific circumstances and from the limited evidence before me they are not sufficient in and of themselves to bring me to any other conclusion on the inappropriateness of the appeal proposal before me, which I have assessed on its own merits.
11. Based on the evidence before me, it is my judgment that the proposed development would not fall within the exception given in paragraph 154(c) of the Framework and would therefore be inappropriate development in the Green Belt.

Openness

12. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. While the Framework does not define openness, I am presented with several legal judgements which have considered this matter, including 'Timmins'⁶ and 'Turner'⁷. The 'Samuel Smith' judgement⁸ states that 'whether or not any change will have an adverse impact, and so cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications'. Be that as it may, the Supreme Court⁹ considered in the application of the 'Samuel Smith' case that 'the matters relevant to openness in any particular case are a matter of planning judgement, not law.' Nevertheless, I agree that considerations of openness include both visual and spatial aspects, although they are inherently matters of planning judgment.
13. From my observations on the site visit, the rear garden area of the appeal property is largely enclosed from public vantage points. The proposed extension to the front would be visible, although taken together I agree that most of the proposal would not be prominent and that visual impacts upon

³ APP/Y3615/A/12/2168295

⁴ APP/Y3615/D/13/2190816

⁵ APP/R0660/D/16/3152865

⁶ Mrs Jean Timmins, AW Lymn The Family Funeral Service Limited v Gedling Borough Council v Westerleigh Group Limited

⁷ John Turner v SoS for CLG and East Dorset Council (2016) EWCA Civ 466

⁸ Samuel Smith Old Brewery (Tadcaster) & Oxtan Farm v North Yorkshire CC & Darrington Quarries Ltd [2018] EWCA Civ 489

⁹ R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)

openness from the proposal would be very limited. However, the proposal would erode openness from a spatial context through further increasing the already enlarged property and the extent of built form on the site, particularly at first floor level.

14. The 2011 application considered openness, however as the appellant points out this was considered under a different policy position given that this was prior to the publication of the original Framework in 2012. The proposals may not result in any isolated building within a Green Belt location as the appellant points out, although the proposals to the front are visible. Regardless, the proposal is contrary to the aims of the Green Belt contained within paragraph 142 of the Framework as it would reduce openness, an essential characteristic of the Green Belt. Whilst the loss of openness is limited, invariably this results in harm to the Green Belt. As per paragraph 153 of the Framework, substantial weight is given to any harm to the Green Belt.

Character and Appearance and the RCA

15. The detached host property is of brick construction and occupies a large plot with a generous set back from St. James View. The street includes a variety of building styles, including a mix of single and two-storey dwellings. These are generally detached, set in large plots and have generous setbacks from the road behind lawned front gardens. The general lack of hard boundary treatments to the front and presence of trees and foliage combine to create a spacious and verdant character in the local area.
16. The Council has identified harm to the RCA as a result of the appeal site being within the designated area. I have therefore had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
17. However, there is nothing before me to indicate the characteristics or significance of the heritage asset. From my own observations on the site visit, this stems predominantly from the linear arrangement of built form along Main Street, the spacious and verdant character of the settlement and its rural surroundings. There is a general high quality of buildings which feature a mix of stone and brick facing materials.
18. Notwithstanding issues regarding the Green Belt, I note the Council does not take issue with the proposed developments to the rear of the host building and the reason for refusal and assessment in the officer report refers only to the front extension. To that end, my attention is drawn to the Householder Design Guide Supplementary Planning Document (HDG) (June 2020).
19. Evidently, the front extension would extend out by 1.45m and the Council advises that this would be contrary to the HDG in that two storey front extensions would not be supported. However, the design guidance 2.4 actually advises that 'on terraced and semi-detached properties single storey extensions that extend across the entire frontage and two storey front extensions will normally be refused.' This is a detached property and as such does not apply. The guidance does state that front extensions should not

harm the character and appearance of the host property or be of a design out of keeping with others in the street.

20. Notwithstanding my conclusions with regards to the effect of the proposal on the Green Belt, the proposed height and projection of the extension would match those elements of the existing front gable. This would add symmetry to the host building and would not be dominant in this context. Moreover, the Council does not take issue with the proposed materials and as such, there would be no harm to the host building. Moreover, the positive characteristics of the street scene which I have noted above would not be harmed by the front extension and it follows that harm would not occur to the RCA.
21. To conclude, the proposal would not harm the character and appearance of the host building, local area or the RCA. This would accord with policies CS23 and CS28 of the CS and policies SP41 and SP55 of the SP. These seek, among other things, to ensure that all forms of development are required to be of high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

Other Considerations

22. Paragraph 152 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
23. Paragraph 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal including loss of openness, is clearly outweighed by other considerations.
24. The aforementioned CLD relates to a single storey rear extension and erection of 2 No. detached outbuildings. I do not have full details of this, although there is an extract of some of these approved plans in the appellant's statement of case. This shows the extension between the two rear wings of the property and an outbuilding to one side in addition to the outbuilding towards to rear which also forms part of the appeal proposal. It is asserted that the development possible under the CLD would harm the Green Belt more than the appeal proposal.
25. There are legal precedents before me which concluded that fallback positions such as this are worthy of being material considerations and weight assigned to them should be relative to the prospects of them being implemented. I don't dispute that the fallback proposal is a material consideration and I have duly considered it as such. However, this merely dictates that appropriate weight is attributed to the fallback position in the balance. This is still a matter for the decision maker to ascertain. The appeal decisions before me wherein this was a determinative factor are also acknowledged, although I have limited information on any of these.
26. The proposed floor plans of the appeal scheme show that the primary aim of the development is to create a larger master bedroom and reconfigure the space for the other bedrooms to be enlarged with en-suites at first floor level.

One of the outbuildings in the CLD scheme already forms part of the proposal while the other would not be of suitable size to achieve the desired layout of the property. The single-storey rear extension of the CLD is proposed to be a dining room. As such, while the CLD fallback may lead to a larger total footprint, it would not be as desirable or practical as the appeal proposal while it would also not be of the same height, which are considerations under policy SP2 of the SP. This fallback position is therefore worthy of little weight as a material consideration.

Other Matters

27. I am informed that there is a planning application¹⁰ for the demolition of the existing building and erection of a replacement dwelling with detached outbuilding and landscaping works. It is stated that if this application is approved during the appeal process it would be confirmed to me as decision maker and evidence forwarded for my consideration. This was not forthcoming, and I have not been made aware of its current status. As such, it has not formed part of my assessment of the proposal.

Green Belt Balance and Conclusion

28. The proposal would be inappropriate development in the Green Belt and would be harmful to the openness of the Green Belt. These matters carry substantial weight against the scheme. I have found that the proposal would not harm the character and appearance of the area or the RCA, although a lack of harm is neutral in the planning balance.

29. Set against these, the material considerations cited in support of the proposal carry limited weight. They therefore do not outweigh the totality of the harm the scheme would cause. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

30. As such the proposal would conflict with policies CS28 of the CS, SP55 of the SP and Green Belt policy as set out in the Framework. For the reasons given above, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

¹⁰ RB2024/0354