



Appeal Decision

Site visit made on 1 October 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal Ref: APP/R1038/D/24/3347245

23 Main Road, Troway, Derbyshire S21 5RU

- 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 Neil Goldsbrough against the decision of North East Derbyshire District Council.
 - The application Ref is 24/00145/FLH.
 - The development proposed is to convert part of the loft space into a bedroom by raising the ridge height and the installation of windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision notice as it excludes superfluous words that are not an act of development.

Main Issues

3. The main issues are:
 - a) 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;
 - b) the effect of the proposal on the openness of the Green Belt;
 - c) the effect of the proposal on the character and appearance of the surrounding area, including a Primary Area of Multiple Environmental Sensitivity ("PAMES") and the significance of the Moss Valley Conservation Area ("CA"); and
 - d) if the development is inappropriate, 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.

Reasons

Inappropriate Development?

4. The proposal would comprise the construction of a first floor to the front and rear elevations of an existing bungalow to create additional living accommodation. The appeal site is in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Paragraph 154 of the Framework explains that other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One such exception is *(c) 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*. Policy SS10 of the North East Derbyshire Local Plan 2014-2034, adopted 2021 ("LP") reflects the wording of the Framework on this matter.
6. The Framework does not provide a definition of "*disproportionate additions*" and therefore, an assessment of whether a development would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. The Framework does however, define "*original building*" as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.
7. The Council assert that the proposal, together with the existing additions to the property, would equate to an increase of 38.3% in volume over the original dwelling, which is a sizeable increase. This has not been disputed by the appellant. Consequently, the proposal would cumulatively represent a disproportionate addition over and above the original building and would not comply with paragraph 154(c) of the Framework.
8. For the above reasons, the proposal would, in respect of the first main issue, comprise inappropriate development when considered against exception 154(c) of the Framework. It would also conflict with LP Policy SS10, which seeks to control the size of extensions to dwellings in the Green Belt.

Openness

9. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has both spatial and visual qualities.
10. The proposal would increase the height and bulk of part of the existing bungalow, partially changing it to a two-storey dwelling. In spatial terms, the increased massing of the proposal would reduce the Green Belt's openness.
11. The existing bungalow is sited on land that is raised above the height of the road. Furthermore, the proposal would increase the bulk and massing of the existing part of the bungalow that projects towards the road. Therefore, the proposal would be highly prominent, particularly when travelling in a southerly direction along the road. In visual terms, the proposal would reduce the Green Belt's openness.

12. For these reasons, in reference to the second main issue, the proposed development would not preserve the openness of the Green Belt in both visual and spatial terms.

Character and Appearance, including the PAMES and CA

13. The appeal site is within the CA. Therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The CA encompasses an extensive rural area which includes scattered farmsteads, hamlets and villages on the valley sides, remnants of the industrial past in the valley bottom, all linked by a network of lanes, footpaths and bridleways. The significance of the CA derives from its aesthetic and historic values.
14. The existing dwelling comprises a detached bungalow with a projecting gable to the front, an attached garage to the side and an extension to the rear. The proposal would replace the roofs of the projecting front gable and part of the rear extension with a first floor extension with a shallow pitched roof.
15. The proposal would dominate the existing bungalow due to its height exceeding the ridge of the bungalow's existing roof and its projection forward of the main body of the bungalow. The roof slopes would not replicate the pitch of the main roof of the host dwelling and would therefore appear alien. Furthermore, the proposals would result in a haphazard array of different roofs that would create an awkward juxtaposition. The proposed first floor window would be significantly larger than the dwelling's existing windows and would dominate the front elevation. Accordingly, the proposals would not respect the scale, proportion, overall design or character of the existing bungalow.
16. The Council assert that the appeal site is within a PAMES which the supporting text to LP Policy SDC3 states, are the most sensitive areas of landscape and which are most likely to be negatively affected by change or development. As previously described, the bungalow is in an elevated position and is visually prominent within the surrounding area. Consequently, the incongruous proposals would increase the bulk, height, massing and visibility of the dwelling within the surrounding area causing significant harm to the character, distinctiveness and sensitivity of the landscape.
17. For these reasons, the proposals would neither preserve or enhance the character or appearance of the CA. Consequently, they would cause less than substantial harm. In accordance with paragraph 208 of the Framework, I must weigh the harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In doing so, paragraph 205 of the Framework explains that great weight should be given to the conservation of the designated heritage asset.
18. There would be some short-term employment derived from the construction phase of the proposed development which I afford limited weight. Given the great weight I must attach to the conservation of the CA, the harm I have found in respect of the effect of the proposal on the significance of the CA would not be outweighed by the limited public benefits I have identified.

19. In reference to the third main issue, the proposed development would harm the character and appearance of the surrounding area, including a PAMES and the significance of the CA. It would conflict with Policies LC5, SDC3 and SDC5 of the LP which, amongst other things, seek to permit development proposals within Conservation Areas where they preserve or enhance the character or appearance of the area; seek to permit proposals for new development where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape; and respect the scale, proportions and overall design and character of the existing property and do not harm the street scene or local area.

Other Considerations

20. The appellant asserts that dwellings in the surrounding area have been extended by a greater amount than the existing and proposed extensions to the host dwelling. However, limited information has been provided regarding these examples and therefore, I am unable to determine whether they are directly comparable to the appeal proposal. Furthermore, I must determine each case on its own merits.
21. The appellant has stated that they could amend the design of the proposal to reduce its volume. However, no amended drawings have been submitted for consideration. Even if amended drawings had been submitted, the appeal process should not be used to evolve a scheme. Consequently, I must determine the appeal based on the drawings before me.
22. The appellant asserts that the occupiers of neighbouring properties raised no concerns regarding the proposals. However, a lack of representation does not indicate no objection. Furthermore, I must determine the proposal against the development plan, and I have found that it would conflict with the relevant policies.

Conclusion

23. The development would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. Given the substantial weight to be given to Green Belt harm, relative to the limited benefits of the proposed scheme, the harm is not clearly outweighed by other considerations. Therefore, in respect of the fourth main issue, the very special circumstances necessary to justify the proposal do not exist.
25. For the reasons set out above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR