



Appeal Decision

Site visit made on 20 November 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/R1038/D/24/3351759

Red House, Hundall Lane, Dronfield, Derbyshire S18 4BS

- 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 Johnson against the decision of North East Derbyshire District Council.
 - The application Ref 24/00403/FLH, dated 12 May 2024, was refused by notice dated 8 August 2024.
 - The development proposed is two storey front extension including new basement area with alterations to fenestration.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There appears to be a discrepancy on the actual site address, which differs from the application form to the officer report and Decision Notice. There is no issue with the site location plans to identify the site. As such I have taken the address from the application form.

Main Issue

3. The main issues in this appeal are :-
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of Development Plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt; and
 - if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal property is a detached dwelling sat back from the highway which has the benefit of a previous extension. The site is located outside any settlement boundary and is allocated as Green Belt.
5. The appeal proposal seeks the construction of a two-storey front extension, flat roofed, with a basement section. Materials to match the host dwelling, with a felt roof. The extension would effectively fill in the "L" shape of the dwelling.

Whether Inappropriate Development

6. Paragraphs 152-154 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
7. However this is subject to a number of exceptions, which are set out in Paragraph 154 and criteria C) exception states “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.”
8. Policy SS10 of the North East Derbyshire Local Plan (2021) (the LP) sets out a position that is consistent with the Framework. The LP does not set a specified amount (percentage) that a property located in the Green Belt can be extended by. There is no definition of what is considered a “disproportionate addition” in the Framework.
9. It is accepted by both main parties that the extension would be around 124 cubic metres of volume/floorspace and the basement would add around another 60 cubic metres. The original size of the dwelling, and the 1988 extension are not disputed.
10. The main difference between the parties is that the appellant considers that the basement extension should not be added to the overall calculation as this has no impact above ground and would not affect the openness of the Green Belt.
11. Whilst I have regard to the appellants submissions on the matter, I have not been directed to any definitive authority which requires the assessment of subterranean extensions within the Green Belt in a different way to other extensions.
12. Therefore, in the absence of any evidence to the contrary, I accept the calculation of the LPA of the original dwelling as 407.87 cubic metres, the 1988 extension as 286 cubic metres and the current appeal extension to be 184 cubic metres. This gives a cumulative extension total of 470 cubic metres, a fraction over 115% of the original dwelling. Even if not adding the basement extension, it would exceed 100% of the original dwelling. I consider this to be a disproportionate addition to the original property as set out in policy SS10 of the LP and criteria C) of paragraph 154 of the Framework and as such is considered to be inappropriate development.
13. In accordance with Section 38(6) of the Planning Compulsory Purchase Act 2004, and in the absence of any compelling evidence directing me to reach an alternative conclusion, I see no reason to determine this appeal except in accordance with the Development Plan and the Framework.

Openness

14. Paragraph 142 of the Framework identifies that openness is one of the two essential characteristics of Green Belts. The above ground element of the additional extension would cause harm to the openness of the Green Belt by introducing another extension to the dwelling which would be visible from wider vantage points.

15. The erection of an attached two storey extension, where no building currently exists, when seen in combination with the bulk and scale of the previous extension would result in a loss of openness to the Green Belt. Whilst the reduction in openness to the Green Belt as a whole would be modest and localised, harm to the Green Belt would nevertheless result.
16. The proposal would result in this part of the Green Belt being less open than it is at present, both spatially and visually, and I find conflict with paragraph 142 of the Framework.

Other Considerations

17. I have identified that the scheme would amount to inappropriate development in the Green Belt, and the presumption against inappropriate development means that this harm alone attracts substantial weight. The development would also have a limited adverse effect on the openness of the Green Belt. The development would therefore conflict with the essential characteristics of the Green Belt as set out in the Framework.
18. The appellant has failed to provide any evidence to support the proposed development. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

19. For the reasons above, and having regard to all matters before me, I conclude that the appeal must be dismissed.

Paul Cooper

INSPECTOR