



Appeal Decision

Site visit made on 10 December 2024

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2025

Appeal Ref: APP/V1260/D/24/3349485

Conifers, Merley Park Road, Bournemouth Christchurch Poole, Poole, BH21 3DD

- 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 and Mrs Nicholas against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/01383/F.
 - The development proposed is single storey rear extension; single storey side extension; first floor dormer extension; car port; demolition of garage and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development in the heading above is taken from the planning application form. The appellants' Statement of Case requests that the appeal proceeds without the car port which is part of that description. A plan (reference 001 rev A) excluding the car port was submitted with the appeal. The change is not substantial and, as it removes a free standing element of the scheme, would not require reconsultation. I am therefore satisfied that the amended plan meets the substantive and procedural tests set out in the *Holborn Studios* judgement¹ and have determined the appeal on the basis of that plan.
3. The National Planning Policy Framework (the Framework) was revised in December 2024, after the Council made its decision. The Officer Report, the reason for refusal and the appellants' Statement of Case refer to paragraph 154 of the 2023 Framework. Whilst the wording of the paragraph has been altered in the 2024 revision, part c) referred to in the reason for refusal remains unchanged. I have had regard to this in my decision and I am satisfied that no party has been prejudiced.

Main Issues

4. The main issues are:
 - 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; and

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

- 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 the scheme is inappropriate development

5. 'Conifers' is a two storey detached dwelling at the eastern end of a group of 3 similar houses fronting a tree lined road. A further two storey house lies beyond an area of open land beyond the site's eastern boundary. There is a tennis court beyond the site's southern boundary. Green fields, open land and tree belts lie beyond this.
6. The Framework establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. One such exception is 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.
7. The original building has been extended in the past with the construction of a two storey, hipped roof rear extension and detached garage which received planning permission in 1986. The garage is adjacent to the rear of the extended house with only a gate separating it from the previous extension. From the Council's evidence, the floorspace of the original dwelling was 126sqm which was increased to 221sqm with the addition of the extension and garage. As the garage is sited so close to the dwelling, I have treated it as an addition to the dwelling for the purposes of Green Belt policy. The increase in floor space of the original dwelling as a result of the 1986 permission was therefore approximately 76%.
8. The proposals seek to add a further single storey extension which would wrap around the previous extension and project beyond its southern elevation into the garden. It would also fill in the space between the side of the previous extension and the rear wall of the original dwelling and project beyond the dwelling's eastern side elevation. A single storey 'lean-to' extension would be added to the western side of the dwelling and abut the western site boundary. The proposed large flat roof dormer in the roof of the front elevation of the house would further add to the bulk of the building.
9. Even with the proposed demolition of the 20 sqm garage, the combined bulk of the proposed and previous additions, their projection beyond the side and end elevations of the original dwelling and, in the case of the dormer, its front roof slope, would constitute a substantial enlargement of the dwelling. Taken together they would result in disproportionate additions over and above the size of the original building.
10. Policy PP2 of the Poole Local Plan (2018) (the PLP) is a general policy which states that the Council will carefully manage the Green Belt in accordance with national policy. By following this approach, it avoids duplication of the Framework or conflict between the provisions of the development plan and the Framework so far as Green Belt policy is concerned.
11. For these reasons, the appeal proposal would not fall within Paragraph 154c) of the Framework and would be inappropriate development in the Green Belt

which is harmful by definition. It would conflict with PLP policy PP2 which seeks to manage the Green Belt consistent with national policy.

Effect on openness

- 11 The national Planning Practice Guidance indicates that openness is capable of having both spatial and visual aspects. The increase in the width of the dwelling arising from the extensions would reduce the space between it and the site boundary and reduce the openness of the site as a result. Similarly, the projection of the proposed rear extension beyond the rear wall of both the original and existing dwelling would expand the footprint of the house which would further erode the openness of the Green Belt. Even though on a very small scale, this would not be consistent with the purpose of the Green Belt to check the unrestricted sprawl of large built up areas.
- 12 The increase in the size of the building would be seen from the road. The side extension and dormer would be visible through the site entrance and gaps in the vegetation along the road frontage. During the winter, when the site visit was made, the eastern side of the rear extension would also be partially visible from the road across the open land adjacent to its boundary. Whilst the vegetation would be likely to limit views during the summer this would not negate the adverse impact of the development on the openness of the Green Belt.
- 13 As a consequence, notwithstanding the other houses in the vicinity, the increase in the scale of building on the site and the loss of space between the house and its side boundaries would cause a moderate level of harm to the Green Belt in conflict with paragraph 142 of the Framework.

Whether very special circumstances exist

- 14 The Council confirmed in June 2023 that prior approval² is not required for a single storey rear extension which would extend beyond the rear wall of the original detached dwelling by 5.3m with a maximum height of 3m. If built, the plans indicate that the 18sqm addition would square off the rear of the existing building which is currently 'L' shaped as a result of the previous extension. It would not be as wide or as deep as the proposed extension and, as a result, would have less impact on the openness of the Green Belt than the proposal.
- 15 Reference is also made by the appellant to an application for a Lawful Development Certificate (LDC) for a proposed garden building to the rear of the house. The evidence indicates that this would be a substantial free standing building of approximately 32sqm floor area. This application remains to be determined.
- 16 It is suggested that the permitted development extension and proposed garden building provide a fallback position and their size and floor space should be offset against the appeal proposals. This is because, together with the garage to be demolished, their combined floor space would be less than the appeal proposal. However, the status of the proposed garden building is not confirmed and I have not seen any evidence to suggest that there is a real prospect that either development might take place.

² GPDO/23/00009/GPD

- 17 There is a theoretical possibility that the extension proposed as permitted development could be carried out and would occupy part of the same site as the appeal proposal. It therefore carries weight in favour of the proposal as it provides a potential fallback position against which the appeal proposal should be assessed. However, as it would have less impact on the openness of the Green Belt than the proposed additions, that weight is limited.
- 18 If the LDC is granted for the garden building, it would still be physically capable of being carried out independently of the appeal proposal thereby negating any fallback position. This could result in both the extension and the garden building being constructed which would compound the harm to the openness of the Green Belt.
- 19 I have considered whether a planning condition to prevent permitted development rights being used to construct the garden building could be imposed if I were minded to allow the appeal. However, a condition removing those rights would only take effect once the planning permission is implemented. It would therefore not necessarily prevent the garden building being constructed. As a result, and given that the prospects of the garden building being built are unclear, that proposed building has little weight.

Planning balance and conclusion

- 20 The proposal would constitute inappropriate development in the Green Belt resulting in moderate harm to its openness. Inappropriate development is by definition harmful to the Green Belt. In accordance with the Framework, I give substantial weight to the harm to the Green Belt and its openness.
- 21 As I have concluded above, the proposed permitted development extension and proposed garden room carry limited and little weight, respectively. I therefore find that the other considerations in this case do not clearly outweigh the harm arising from the appeal scheme that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
- 22 The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR