



Appeal Decision

Site visit made on 10 December 2024

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/D0121/W/24/3348041

12 Knightcott Road, Abbots Leigh, Bristol, BS8 3SB

- 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 D Cooper against the decision of North Somerset Council.
 - The application Ref is 24/P/0573/FUH.
 - The development proposed is Demolition of Existing Detached Garage and Erection of a Detached Garage with Guest Accommodation at First Floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the refusal of permission for the proposed development the Government published its revised National Planning Policy Framework (the Framework) in December 2024. The wording of the relevant paragraphs of the new Framework are similar to that of the 2023 version. Therefore, it has not been necessary to seek comments from the parties on the revised Framework, which I have referred to in my decision.
3. The development plan for the area includes the North Somerset Core Strategy (2017) (CS), the North Somerset Sites and Policies Plan Part 1 (2016) (NSSPP1), and the North Somerset Sites and Policies Plan – Part 2 (2018) (NSSPP2).

Main Issues

4. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, and the effect of the proposal on the openness of the Green Belt;
 - whether the location of the proposed annex would be acceptable, having particular regard to its relationship with the existing dwelling and the development strategy;
 - the effect of the proposed development on the character and appearance of the area; and,

- if there would be harm by reason of inappropriateness, and any other harm, whether the harm would be clearly outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the scheme is inappropriate development

5. The appeal site relates to a detached bungalow with a detached double garage which sits at the end of the front garden and is set back from Knightcott Road on a bend in the road. The site lies in the Bristol and Bath Green Belt and outside of any defined settlement boundary.
6. Policy DM12 of the NSSPP1 allows for the replacement of buildings in the Green Belt provided they are not materially larger than the original building. This is consistent with paragraph 154, sub paragraph d), of the Framework. The policy advises that a replacement building will not normally be regarded as materially larger provided it does not exceed 50% of the gross floor area of the original building.
7. The appellant contends that the replacement garage would not be inappropriate development based on calculations indicating that it would result in a 44% increase in floor space over the original house. That would be below the 50% threshold set out in the policy whereby extensions would not normally be regarded as disproportionate. However, given that the scheme is for a replacement garage with a first floor above this cannot be regarded as an extension. I appreciate that the first floor annex would be incorporated into the roof with the eaves and ridge height raised by 0.2m and 0.25m, respectively. Nonetheless, the extra floorspace, together with the increased length and height of the building and the proposed dormer would result in a materially larger building than that which it would replace. It would substantially exceed the 50% increase in gross floor area threshold set out in Policy DM12 of the NSSPP1 and would therefore conflict with the policy and Paragraph 154d) of the Framework being materially larger than the original building. Furthermore, Paragraph 54c) does not apply given that the scheme is for a redevelopment of the existing garage building.
8. I conclude that the scheme is inappropriate development in the Green Belt and conflicts with Policy DM12 of the NSSPP1 and paragraph 154d) of the Framework.

Effect on openness

9. Although there is no definition of 'openness' within the Framework, the Government's Planning Practice Guidance (PPG) refers to assessments of openness as being informed through consideration of spatial and volumetric aspects, the duration of the development and the degree of activity likely to be generated.
10. The area around the appeal site comprises Sandy Lane, which is a narrow hedgerow and treelined country lane, and roads branching off it, some of which have sporadic housing and others more formal residential layouts. The trees and hedges along Sandy Lane provide a sense of enclosure and prevent views beyond it. Knightcott Road rises uphill from Sandy Lane and has detached houses either side of it, set back from the road with large, landscaped front gardens.

11. The appeal site is at the top of the hill and close to a bend in the road where there are glimpses of the wider landscape between hedges and across the top of houses. The turning head just before the appeal site has a field gate affording more open views. Travelling down the hill towards the junction with Sandy Lane there are also views of fields rising on the opposite side of the Lane. However, generally, Knightcott Road has an enclosed and suburban character, albeit within a rural context, with very limited views into it from the surrounding area and from it to the wider landscape.
12. The proposed building would be closer to the road edge than the existing garage and orientated with its side elevation parallel to the road, rather than perpendicular to it as is the case with the existing garage. As such, a greater expanse of wall would be visible when approaching the site from further up the road. Nonetheless, in the context of the limited views of it, the enclosed nature of the landscape, and the built up character of the road, the harm to the openness of the green belt would be limited.

Location of development

13. Policy DM 43 the NSSPP1 only permits annexes outside settlement boundaries where they are physically linked and integral to the main house. According to the policy justification this is to prevent annexes being sold or let, which would undermine the authority's spatial strategy and national policy which seek to concentrate new housing development in sustainable locations.
14. The proposed replacement garage would have accommodation in the roof space. There is no indication of the facilities that would be provided and level of dependency on the main dwelling. Nonetheless, it is of a size that could accommodate independent living. The appellant acknowledges that it would be detached from the main house, approximately 20m forward of it. It would not, therefore, be physically linked or integral to the main house and the proposal would thus conflict with Policy DM43 of the NSSPP1 and the strategic aims of Policies CS1, CS14 and CS33 of the CS and Policy SA2 of the NSSPP2 which seek to focus development in sustainable locations identified in a settlement hierarchy.

Character and appearance

15. A common feature of development in the area is that garages are attached to houses and set back from the road. Whilst Nos 5, 16 and 20 Knightcott Road have detached garages close to the road, they are subservient in size to the main dwellings. Although the proposed building would be screened to some extent by the existing hedges along the road frontage and turning head, and the proposed new section of hedgerow in place of the existing access, it would be more visually intrusive because of its orientation, size and proximity to the road.
16. The dormer windows would be out of character with other garages and draw attention to the additional floor and height of the building, although they would only be visible in profile from the side at the turning head adjacent to the appeal site. The proposed development would therefore conflict with Policy CS12 of the CS, Policy DM32 of the NSSPP2 and the North Somerset Residential Design Guide Supplementary Planning Document -Section 2: Appearance and Character of house extensions and alterations (2014) which require development to be sensitive to local character.

Whether very special circumstances exist

17. There would be particular benefits of the proposed scheme in terms of providing additional flexible living space and for energy efficiency from the installation of solar panels. There would also be modest benefits from short term employment during the garage and annex's construction. However, no evidence has been provided to me that such benefits could not be achieved by an alternative and less harmful design. Also, the proposal is not an innovative design that would justify its being out of keeping with the area under paragraph 135 of the Framework, as suggested by the appellant.
18. The appellant has referred to being able to convert the existing garage to habitable ancillary accommodation as a fallback position. However, that does not weigh in favour of the proposal, given the harm that the proposed development would have on the Green Belt and character and appearance of the area, which would not be the case if such a fallback was implemented.
19. I have had regard to the appeal decision¹ referred to by the appellant. However, that appeal was in relation to an extension, rather than a replacement building, where both parties agreed that the proposed development would not be inappropriate development. It is not therefore comparable with the current appeal proposal.
20. The appellant has suggested that the appeal proposal would be acceptable under the draft North Somerset Local Plan (draft LP) and that the current development plan is out of date. However, the Council has confirmed that, following the publication of the revised Framework, consultation on the draft LP has been delayed pending further work. As such I accord the draft plan minimal weight. I am also satisfied, based on the evidence before me, that the Council's development plan policies of most importance remain consistent with the aims of the Framework.
21. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. Even taken together, the other considerations put forward provide little support for the scheme, do not outweigh the harm to the Green Belt and very special circumstances necessary to justify the proposal do not exist.

Planning balance

22. In the context of the Development Plan I have found that the proposed development would include accommodation in conflict with the settlement strategy. I have found that the proposed building would be more visually intrusive than the existing garage it would replace and out character with other single storey more modestly sized garages in the area. I have also found that there would be harm to the openness of the greenbelt, albeit limited. Taken together I accord these harms significant weight. There would be benefits in terms of additional living space, renewable energy and employment during construction. However, given the lack of evidence that such benefits could not be achieved by an alternative and less harmful proposal they do not outweigh the harm that I have identified.

¹ APP/D0121/D/17/3189978

Conclusion

23. The proposed replacement garage and annex would not accord with the development plan and there are no other material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should not succeed.

P D Sedgwick

INSPECTOR