



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: 22 January 2025

Appeal Ref: APP/D1265/W/24/3348148

Newtown, Newtown Lane, Corfe Mullen, Dorset BH21 3EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Holleyman against Dorset Council.
 - The application Ref is P/HOU/2024/01897.
 - The development proposed is described as "Pitched roofs to replace flat roofs to existing side extensions. Conversion of existing garage to office."
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. As the appeal is against the Council's failure to make a decision within the prescribed period, no formal reasons for refusal have been issued. The Council however has submitted an officer report which constitutes its Statement of Case and includes a reason for refusal.
3. The description of the development in the heading above refers to the conversion of the garage to an office. It does not however include the extension to the garage shown on "Proposed Garage" plan A-26.03.2024 PO935-008 and referred to in the appellants' grounds of appeal. I have therefore used the description adopted by the Council as the basis for my decision as it more accurately reflects the proposed development.
4. The National Planning Policy Framework (the Framework) was revised in December 2024, after the appeal was submitted. The Council's putative reason for refusal refers to paragraphs 142 and 143 and 152 and 154 of the 2023 Framework. The wording of paragraph 152 is now subsumed into paragraph 153 in the 2024 revision. Whilst the wording of paragraph 154 has been altered, part c) referred to in the Council's Statement of Case remains unchanged. I have had regard to these revisions in my decision and am satisfied that the parties have not been prejudiced by my doing so.

Main Issues

5. From the Council's Statement of Case 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

- 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 development

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 East Dorset Local Plan 2002 (EDLP) substantially predates the Framework. Policy GB3, sets out 3 criteria for the assessment of extensions to existing dwellings in the Green Belt. Whilst relevant to the assessment of whether additions to a dwelling are disproportionate, the policy applies to existing dwellings and does not directly address the question of whether an addition would be disproportionate when compared to the size of the original building as defined in the Framework. Therefore, as the policy is not consistent with the Framework it has limited weight.
8. The two storey dwelling was extended between 1950 and 1960 with two flat roof, single storey side extensions to either end of it. Whilst single storey, these additions, when considered together, have significantly increased the length and scale of the original building.
9. The existing garage building lies adjacent to, but detached from, the extended house. However, whilst the previous extension to the northern side of the dwelling has brought the dwelling nearer to the garage building, prior to that the garage was sufficiently detached from the dwelling as to constitute a separate building, rather than be part of the dwellinghouse. I have therefore determined the appeal on that basis.
10. The two previous extensions to the dwelling have increased the floor area of the original building by approximately 42%. Whilst the evidence does not indicate that the proposed roofs would create additional floorspace, the increase in height and volume over the previous extensions, would add significantly to the mass of the original building. The proposed front gable addition at the northern end of the building in particular would add to the mass of the building.
11. The ridge height of the proposed pitched roofs would be lower than that of the rest of the dwelling. As a result, in terms of policy GB3, the proposed roofs when considered in isolation would not dominate the existing dwelling. Nevertheless, taken together with the previous additions, the increase in the bulk of the building would be disproportionate over and above the size of the original dwelling.
12. It is unclear from the evidence, what comprised the original garage building for the purposes of the definition of the 'original building' in the Framework. From the evidence and from my site visit it appears to have had separate lean to and brick additions. However, even if it is currently in the form that it was on 1 July 1948, the proposed addition would still be a substantial increase in its footprint. It would significantly extend the southern end of the building and,

even allowing for the removal of parts of the existing building, the additional volume on its western and southern sides would be a significant increase in its built form. The scale of the proposed extension would therefore be a disproportionate addition to the garage building.

13. For these reasons, I conclude that the appeal proposals would be inappropriate development in the Green Belt.

Openness

14. The dwelling and garage building are located at the northern end of a large plot. A mature hedge runs along the western boundary beyond which is an open field enclosed by trees. The land levels rise towards the east with the dwelling standing at a higher level than Newtown Lane with a belt of trees on the higher land along the site's eastern boundary. Whilst there are other houses in the vicinity, the site faces onto open countryside in a predominantly open, rural setting.
15. Planning Practice Guidance indicates that openness is capable of having both spatial and visual aspects. The proposed extension to the garage building would bring the development forward of the existing buildings and abut the hedge along the lane. Whilst sited at a lower level than the dwelling, this would significantly reduce the space between the existing buildings and the lane causing a moderate loss of openness.
16. The additional mass of the proposed roof on the northern side of the dwelling would project forward of its main front elevation. Combined with the increase in the height of the previous extension on the southern side, the increase in the bulk compared to both the existing and original dwelling would be clearly visible from the lane leading to and passing the site. This would materially change the impact of the dwelling and garage on the openness of the Green Belt and would harm the open appearance of the site and its immediate surroundings.
17. For these reasons, the increase in the bulk of the dwelling and the footprint of the garage building would cause a moderate level of harm to the Green Belt

Other considerations

18. Whilst the previous extensions may have originally been planned with pitched roofs, the Framework requires that the proposals must be assessed against the dwelling as it existed on 1 July 1948. Although policy GB3 requires proposed extensions to be considered in relation to the existing dwelling, as the policy is not consistent with the more recent Framework, the Framework carries greater weight. As a consequence, the effect of the appeal proposals must be assessed against the dwelling as it existed in 1948 regardless of the originally intended design of the subsequent extensions. Little weight can therefore be given to those initial intentions.
19. Reference has been made to the benefit that the proposed roofs would have to the appearance of the existing buildings. The flat roof extensions differ in design and character from the original dwelling, and whilst the introduction of pitched roofs would be consistent with the design of the original dwelling, the benefit to its appearance would be modest. It would not outweigh the harm caused to the Green Belt which I have identified. Moreover, I am satisfied that visual improvements could be made to the garage without the increase in the

scale of building currently proposed. I therefore give limited weight to the improvement to the appearance of the site.

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 original roof design proposed for the previous extensions carries little weight. Similarly, the benefits to the appearance of the site also carry only limited weight. I therefore find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
22. For these reasons, the appeal proposals would be inappropriate development which is harmful by definition. Whilst the proposal would not dominate the existing dwelling, it would materially increase the impact of the dwelling on the openness of the Green Belt in conflict with policy GB3 and the associated policies of the Framework regarding proposals affecting the Green Belt.
23. The proposal therefore 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