



Appeal Decision

Site visit made on 15 May 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/U2750/D/25/3364003

4 Toulston View Wetherby Road, Newton Kyme, Tadcaster LS24 9LT

- 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 Adam Ormerod against the decision of North Yorkshire Council.
 - The application Ref is ZG2024/1264/HPA.
 - The development proposed is single storey rear extension, extending 5.8M to the rear, 3.9M to the ridge, 3M to eaves.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension, extending 5.8M to the rear, 3.9M to the ridge, 3M to eaves at 4 Toulston View, Wetherby Road, Newton Kyme, Tadcaster LS24 9LT in accordance with the terms of the application, Ref ZG2024/1264/HPA, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: LOC01 – Location Plan; LAY02 – Layout Plan; 1872-01 – Existing and Proposed Elevations and Ground Floor Plans.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building/dwelling.

Main Issues

2. The main issues are:
 - i) 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;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) 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

3. No 4 is part of a small and somewhat isolated group of 2-storey semi-detached dwellings set back from Wetherby Road and outside of defined settlement limits. It is in the Green Belt.

4. Paragraph 153 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy SP2 of Selby District Core Strategy Local Plan adopted October 2013 (the LP) requires development in the Green Belt to confirm with Policy SP3 and national Green Belt policies. In this regard, Policy SP3 reflects Framework paragraph 153. Consequently, for the purposes of the appeal, the LP policies defer to paragraph 154 of the Framework which sets out exceptions to inappropriate development, including 154c) 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.
6. Neither the Framework nor the LP define disproportionate additions. Taking into account other appeal decisions and case law, the Council considers that a 50% increase in volume would be disproportionate although it notes lesser volume increases might also be disproportionate depending on size, scale and design. The Framework establishes that the original building is the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.
7. Planning permission¹ was granted in February 1984 for erection of an extension. The evidence indicates this resulted in an increase of approximately 85% over and above the size of the original building. On the basis that the proposal would result in a cumulative increase in the volume of the original building of approximately 117%, it would be disproportionate additions for the purposes of the Framework.
8. Therefore, the proposal would not meet the exception in Framework paragraph 154c). It would be inappropriate development in the Green Belt in conflict with the policies in the Framework that protect the Green Belt.

Openness

9. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Case law has established that openness has both spatial and visual aspects.
10. The proposal would extend to the rear by about 5.8m and it would span from the existing extension to finish close to the boundary with No 3. The submitted plans appear to suggest that the proposal would protrude out beyond the rear elevation of the adjoining property. However, I observed a very large 2-storey extension to the rear of No 3, with a smaller single storey extension to its rear. This results in a large expanse of blank 2-storey wall close to and along the shared boundary. Based on the evidence and what I saw, the proposal would be subservient in scale and it would not extend to the rear of the neighbour's extension.
11. The extension would occupy an area of hardstanding to the rear of No 4. While it would protrude beyond the extended rear elevation of its host, it would be a modest single storey infill development between the neighbouring large 2-storey extensions. By virtue of its context, bulk and dimensions, there would be only a minor spatial loss of openness.
12. The proposal would not be visible from the highway nor apparently from any other public viewpoints. In oblique views from upper windows in Nos 7 and 9 Millstone

¹ Ref CO/1984/28934

Cottage, it would be viewed against the extended rears of Nos 3 and 4. In this visual context, the single storey extension would not be conspicuous nor result in any adverse visual impact on openness.

13. The increased quantum of built development would result in a spatial loss of openness. There would also be a visual change in limited private views of the rear of the property. However, taking into account the siting and surrounding built development context, I find that the spatial and visual change would not have any material impact on the openness of the Green Belt. Therefore, the proposal would not harm the openness of the Green Belt in this location.

Other Considerations

14. The location for the extension is an uninspiring space, roughly north facing and enclosed to 3 sides by predominantly blank 2-storey walls. The proposal would infill this and create a more active elevation. The rendered finish would contrast with the existing brick rear, but it would relate to the use of render elsewhere on the property. However, the extension would not be outstanding or innovative and its design and appearance carry little weight in favour of the appeal.
15. Prior approval² was refused in January 2019 for a single storey rear extension with similar dimensions to the proposal. Planning permission³ was then refused in March 2019 and dismissed on appeal for a single storey rear extension. However, prior approval⁴ was granted in May 2024 for single storey flat roof rear extension extending 6m to rear, 3.65m to ridge and 3m to eaves.
16. If the appeal should fail, the permitted development rights would be a valid fallback position. The proposal would be around 8 cubic metres larger than the fallback. It would be less deep but wider, this latter because it would attach to the existing rear extension whereas the fallback would be set away from it by 300mm.
17. The fallback would have a slightly smaller spatial extent than the proposal, but it would have an awkward visual relationship with its host due to the deep and narrow gap between it and the existing extension. The fallback would not then be high quality design that would add to the overall quality of No 4 or the area. Internally, the fallback (dining room) would be accessed via the hall and access to it from the kitchen would be through the living room and the hall. In contrast, the proposal would create a large open plan dining and kitchen area with direct access to the hall and separated from the living room. This would result in a significantly improved internal layout and more useable family space.
18. Therefore, the proposal would have a better visual relationship to its host than would the fallback. Moreover, while both schemes would be a similarly sized additional room, the proposal would be high quality internal design and enhanced family living space, whereas the fallback position would not. Consequently, I find that the fallback position does weigh significantly in favour of the appeal.

Green Belt balance

19. I have found that the proposal would be inappropriate development in the Green Belt. While it would not harm openness, inappropriate development is by definition

² Ref 2018/1372/HEN

³ Ref 2019/0041/HPA

⁴ Ref ZG2024/0409/HEN

harmful to the Green Belt. The Framework advises that substantial weight must be given to any harm to the Green Belt.

20. On the other hand, I am mindful that the fallback would not contribute positively to the character and appearance of No 4 and internally it would not be high quality family living space. In comparison, the proposal would be a visual improvement and it would significantly enhance the living accommodation for existing and future occupiers. Therefore, taking into account the fallback, I find that the harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Conditions

21. The Council suggests planning conditions in the event that the appeal was allowed. I have considered these against the tests set out in the Framework.
22. In addition to the standard condition limiting the lifespan of the planning permission, I have specified the approved plans in the interests of certainty. A condition securing matching materials is necessary to protect the character and appearance of the appeal property and the area.

Conclusion

23. For the reasons set out above, I conclude that the appeal should be allowed subject to conditions.

Sarah Manchester

INSPECTOR