The Planning Inspectorate

Appeal Decision

Site visit made on 10 March 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/B3438/D/19/3242265
Lea Vista, 25 High Lane, Brown Edge ST6 8RT

- 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 Kevin Jackson against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0520, dated 23 August 2019, was refused by notice dated 8 November 2019.
- The development proposed is a one and a half storey side extension, single storey rear extension and adding a porch to front.

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the determination of the planning application, amended plans were submitted to the Council. As these were subject to additional neighbour consultation there would be no prejudice to the interested parties if I take them into account. For the avoidance of doubt, I have therefore proceeded to determine the appeal on the basis of plan ref. 6284(P) 002 Rev.E.

Main Issues

3. The main issues are:

   - whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the relevant development plan policy;
   - the effect of the proposal on the openness of the Green Belt;
   - the effect of the proposed extensions on the character and appearance of the locality; and,
   - if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development within the Green Belt

4. The site is located within the Green Belt. It comprises a two-storey dwelling in modest gardens. The dwelling is in its original form and outbuildings are present to the rear and side.

5. Policies SS6c and R1 of the Staffordshire Moorlands Local Development Framework Core Strategy Development Plan Document (2014) (CS) seek to maintain the Green Belt and apply strict control over inappropriate development as defined by the Framework.

6. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of extensions to a building, provided that they do not result in disproportionate additions over and above the size of the original building.

7. According to the Council, the proposed extensions would increase the depth of the property by 4.2 m. The single storey rear extension would extend across almost the full width of the existing building and to the rear of a proposed side extension. The side extension, of about 4.5 m in width, would be marginally stepped back from the main front elevation and incorporate a slightly reduced ridge height compared to the main dwelling. To the front, a single storey canopy would be provided across the resultant width of the frontage. This would incorporate a projecting open porch over the existing doorway.

8. The assessment of whether or not a proposal is a disproportionate addition can be made on the basis of floorspace and/or volume, in addition to considering the visual increase in the size of the building. It is made on a case-by-case basis, taking account of the specific nature of the site and the precise nature of the proposal. The Council have set out that the combined extensions would give rise to an additional 95.5 m^2 of developed footprint above that of the original 53 m^2 of the existing house. These figures are not contested by the appellant.

9. In its effect, the combined proposals would result in a footprint almost three times that of the original building. Nevertheless, comparing footprint areas alone does not account for the volume and bulk added to the building by virtue of the additions to three of the elevations of the existing building. Although neither party has provided a volume calculation, it is clear that the degree of extension would be almost the same, if not greater, than the volume of the original dwelling.

10. Having regard to the significant increases in both the footprint and volume of development in comparison to the existing building, the proposal would constitute disproportionate additions over and above the size of the original building. I therefore conclude that the proposal would be inappropriate development that would be harmful to the Green Belt. The proposal would conflict with the Framework and Policies SS6c and R1 of the CS which seek to protect the Green Belt. This is a matter to which I attach substantial weight.

Openness

11. Paragraph 133 of the Framework attaches great importance to Green Belts. 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.

12. The combined outward expansion of the depth and width of the building would add significantly to its overall size and bulk. Notwithstanding the setting of the site within a loose ribbon of development along the north-western side of High Lane, the combined extensions would result in a loss of both spatial and visual openness. For that reason, I conclude that the proposal would result in a loss of openness to the Green Belt, contrary to national policy to protect it. This is also a matter to which I attach substantial weight.

The effect of the proposal on the character and appearance of the area

13. Development on the road is characterised by individually designed properties set within a row of development along High Lane. The area exhibits a wide variety of styles, building detailing and finishes. By virtue of its position to the rear of the existing building and the proposed side extension, views of the rear extension would be restricted and have a limited impact in terms of the High Lane street scene. The lower height and the set-back position of the side extension would appear as an additive form and reflect the simple character of the existing building. Although the extensions would give rise to additional bulk, this would be of an overall scale comparable to other dwellings found locally.

14. In contrast, the front canopy, porch and proposal to introduce a wider palette of external materials would doubtlessly change the overall character and appearance of the dwelling. However, noting the various forms of canopies and porches visible within the locality and having regard to the mixed nature of development on this part of High Lane, I am not persuaded that this change would be materially harmful to the area's character or appearance.

15. I therefore conclude that the proposal would not be harmful to the character and appearance of the area. In this respect the proposal would comply with Policies SS1, SS6c, DC1, R1 and R2 of the CS and the Staffordshire Moorlands District Council Design Guide (2018). However, the lack of harm in this regard is not a positive factor in the scheme's favour.

Other considerations

16. In support of the appeal, the appellant draws my attention to the fact that a previous permission granted on the site (ref. SMD/2019/0185) permitted a similar degree of increase to the overall footprint of the dwelling. Although the proposals are similar in this respect, the increased scale of the extensions would cause the volume of the proposal and resultant bulk to be greater than the previous scheme. Whilst I have taken the previous approval into consideration, I do not consider that it provides justification for overcoming the harm I have identified here; a proposal which I have considered on its own planning merits. Accordingly, this is a matter to which I attach limited weight.

17. The appellant advises that the development would provide improvements to the family living conditions, including opportunities for offering elderly relatives the option to live with the family. This may be more suitable for their specific

access requirements than their existing house. It may also enable their family to provide care.

18. Age is a 'relevant protected characteristic' and I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.

19. In respect of the above, whilst I acknowledge the benefits that would result to the appellant and elderly relatives, I note that this option is not dependent on the proposed development and could be achieved through implementation of the extant planning permission or an alternative arrangement of accommodation, as highlighted within the evidence. Consequently, although a refusal of planning permission may deprive the family of additional living space it would not prevent the extension of the dwelling or prejudice the ability to accommodate relatives, or a growing family. Accordingly, those personal circumstances are not a strong justification for setting aside national and local policies with the legitimate aim of protecting the essential characteristics of the Green Belt in the public interest. I therefore attach them limited weight having regard to the particular circumstances of the case.

20. The parties agree that the development would not cause harm to the living conditions of nearby residents or highway safety and it would maintain suitable levels of parking and amenity space for the occupiers. Furthermore, no objections were received from third parties.

21. I also note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. However, this is not a matter for this appeal.

Conclusion

22. The extensions are inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The extensions would also cause harm to the openness of the Green Belt, which is one of its essential characteristics.

23. The considerations presented by the appellant, including the desire to provide for extended family living, do not clearly outweigh the totality of the harm that I have identified as a result of inappropriateness and the reduction in the openness of the Green Belt. Consequently, the very special circumstances necessary to justify granting planning permission do not exist and the development is contrary to Policies SS6c and R1 of the CS and the Framework, which, of the policies referred to me by the parties are the most relevant.

24. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR