The Planning Inspectorate

Appeal Decision

Site visit made on 6 July 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

Appeal Ref: APP/B3438/D/20/3251032
White Chimneys, Devils Lane, Longsdon ST9 9QR

- 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 & Mrs M Fludgate against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0025, dated 14 January 2020, was refused by notice dated 3 April 2020.
- The development proposed is the erection of a two storey rear extension, alteration to existing openings and erection of a canopy to the front elevation.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension, alteration to existing openings and erection of a canopy to the front elevation at White Chimneys, Devils Lane, Longsdon ST9 9QR, in accordance with the terms of the application Ref SMD/2020/0025, dated 14 January 2020, 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 the following approved plans: Drawing No PL31 (Site location plan) and Drawing No PL 34A (Alternative Proposed Plans and Elevations).

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. There is no dispute between the parties that the proposal would be acceptable in terms of design and that it would not cause harm from a living conditions point of view. I have no reason to disagree.

3. The appeal site is in the Green Belt and so the main issues are:

   - Whether or not the proposal would be inappropriate development in the Green Belt; and

   - if the proposal is inappropriate development in the Green Belt, 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 development.

Reasons

Whether inappropriate development

4. The Government 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. Paragraph 145 of the National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, one exception to this relates to *"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".*

5. The Framework does not define what is disproportionate. Furthermore, I have not been provided with any development plan policy which provides any such definition. It is therefore necessary that I reach of a view on this matter using my own planning judgement.

6. There is dispute between the parties in terms of the size of the proposed development relative the size of the original building. The appellants say that the Council's claimed 60% increase in size assessment is not correct on the basis that its calculations do not take into account the lean-to off the eastern elevation or a further projection off the northern elevation. They claim that when these parts of the dwelling are taken into account, the proposal would increase the footprint of the original building by 48% and by 53% when the ground floor and first floor areas are combined.

7. Even accounting for the appellant's calculations, I consider that the proposed development would result in disproportionate additions over and above the size of the original building. Consequently, I conclude that when the proposal is considered as a whole, it would amount to inappropriate development in the Green Belt. To this extent, it would not accord with Policy SS6c of the adopted Staffordshire Moorlands Core Strategy Development Plan Document 2014 (CS) or meet any of the exceptions in paragraph 145 of the Framework.

8. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I deal with this matter below.

Other considerations and whether very special circumstances

9. The appellants make the claim that when the proposal is considered against an extant prior approval permission for a single storey eight metre rear extension[1] to the dwelling (i.e. development with a footprint of about 60.0 square metres compared to the appeal proposal of about 32.3 square metres), there would in fact be no significant difference in terms of the effect of the proposal on the openness of the Green Belt or harm caused in respect of the purposes of the Green Belt.

10. I have been able to consider the aforementioned extant planning permission plans with the appeal proposal. Whilst the two developments would not be identical, in particular one would be two storey and one would be single storey, overall, and taking into account the relative differences in terms of the extent

[1] Ref HNT/2019/0009

of the rear projections, there would in fact be very little difference between the two proposals in terms of the resultant effect on the openness of the Green Belt in spatial terms. Furthermore, the proposal would result in a dwelling which in relative terms would be more compact within its plot when compared to the dwelling with the permitted eight metre projecting single storey rear extension. In reaching these on balance views, I have taken into account the size of the proposed canopy to the front elevation of the dwelling.

11. I do acknowledge that the appellant has applied for a different form of development to that which has been allowed as part of the prior approval application. Nonetheless, I am persuaded that the appellants would very likely seek to construct the prior approval development in the event that this appeal was not allowed. Indeed, I do not see why the appellants' appeal accommodation requirements could not be met by reconfiguring the existing dwelling internally in conjunction with the erection of the consented single storey rear extension.

12. In this case, I afford very substantial weight, as a fallback position, to the existence of the extant planning permission for the single storey extension. In reaching this view, I am satisfied that this development could not be built out in addition to the appeal development. The positive weight that I attribute to the fallback position would, to a limited extent, be compounded by the fact that the two storey extension, with its pitched roof and header/cill detailing, would result in a dwelling which compared to the construction of the alternative single storey rear extension, with its long flat roof, would be more sympathetic to the design and appearance of existing dwelling. In addition, I do not doubt that there would be some thermal efficiency benefits as a result of the removal of the existing two storey rear extension and as a result of increased natural light penetration into the resultant dwelling.

13. In this case and on balance, I find that the substantial weight to be given to the Green Belt harm arising from the proposal would be clearly outweighed by the other identified considerations sufficient to demonstrate very special circumstances. Given this overall finding, the proposal would not conflict with Green Belt policy in the Framework; policy SS6c of the CS or with policy SS10 of the emerging Staffordshire Moorlands Local Plan.

Conditions

14. Planning permission is granted subject to the standard three year time limit condition. It is also necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of good design, it is necessary to impose a condition requiring the use of matching materials.

Conclusion

15. For the reasons outlined above, I conclude that the appeal should therefore be allowed.

D Hartley

INSPECTOR