The Planning Inspectorate

Appeal Decision

Site visit made on 27 August 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/B3438/D/20/3254011
48 Ash Bank Road, Werrington, Staffordshire ST2 9DR

- 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 Mrs S Beech against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0075, dated 12 February 2020, was refused by notice dated 1 May 2020.
- The development proposed is single storey rear extension and refurbishment works.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has requested that, if the appeal scheme is unacceptable, I consider an alternative scheme under the 'Wheatcroft Principles', for a smaller extension with a rear projection which would be reduced by around 1 metre.

3. It is clear from the submitted drawing that the alternative scheme would still be a considerable increase in relation to the host property, but in the absence of any information about the proportionate increase in relation to the original dwelling, I am unable to come to a clear conclusion as to whether or not the alternative would be acceptable. I have therefore determined this appeal on the basis of the scheme that the Council made its decision on.

Main Issue

4. The site is within the Green Belt so the main issues are:

   - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;
   - whether the proposal would cause harm to the character and appearance of the area, including openness;
   - the effect of the proposal on the living conditions of the occupiers of 46 Ash Bank Road with particular regard to outlook and sunlight; and
   - 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 it.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in Paragraph 145. One of the exceptions 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'. Policy SS6c of the Staffordshire Moorlands Core Strategy, 2014 (Core Strategy) confirms that strict control will be exercised over inappropriate development within the Green Belt by allowing only the exceptions defined in Government policy.

6. The test of whether a proposed extension would be a disproportionate addition requires comparison of the size of the extended property with that of the original buildings, usually in terms of volume or floorspace. The Council does not provide any specific guidance on what it considers to be a 'disproportionate addition', but an increase of up to around 30% in volume is generally considered to be acceptable in this regard.

7. The Council has not provided an assessment of the change in floorspace or volume which would result from the proposal, but the appellant has confirmed that it would represent an increase of some 65% compared with the original dwelling, excluding previous extensions. Even if some flexibility is afforded owing to the location of the site within a built up frontage, this would be a large increase, which would be disproportionate in relation to the size of the original building. As a result, the proposal would not comply with the exception set out in Framework paragraph 145, and therefore would constitute inappropriate development in the Green Belt.

8. The proposal would therefore constitute inappropriate development in the Green Belt, which is by definition harmful and should not be approved except in very special circumstances. It would conflict with Core Strategy Policy SS6c and section 13 of the Framework, both of which seek to protect the Green Belt.

Openness and character and appearance

9. Openness is an essential characteristic of the green belt. The bulk of the dwelling would be increased by the proposal and so openness would be reduced. However, viewed in isolation, the loss of openness would be minimal.

10. The proposed extension would be sited at the rear of the host property within an existing built up frontage. Owing to the considerable set back of the houses from the road; the differences in levels and the fairly close spacing between the neighbouring properties, the proposal would not be prominent or obvious when viewed from Ash Bank Road. Although it would project beyond the rear elevations of the neighbouring properties by a small distance, the extension would be viewed from Green's Lane in the context of existing buildings and outbuildings, and its visual impact would be limited

11. The extension would be long in relation to the existing house, but this would not be apparent when viewed from any public viewpoints or from the

neighbouring properties. Whilst the roof would be large and would not continue the existing form of the hipped roofed bungalow, its low height would help to limit the overall scale of the extension and retain the dominance of the host dwelling. Use of matching materials would help to tie the extension to the main house. Overall, the visual effect of the proposal in relation to the existing property would be acceptable.

12. I conclude on this issue that the proposal would not cause undue harm to the character and appearance of the area, and the impact on the openness of the Green Belt would be neutral. Consequently, the proposal would not conflict with Core Strategy Policy DC1, which requires new development to be well designed and respect the site and its surroundings, and would be consistent with section 12 of the Framework, which requires development to be of a high quality, and guidance in the New Dwellings and Extensions to Dwellings and Staffordshire Moorlands Design Guide Supplementary Planning Documents.

13. Core Strategy Policy R2 requires extensions to be appropriate in scale, and as I have found the proposal to be a disproportionate addition, the proposal conflicts with this aspect of the policy. However, the proposal is consistent with R2 in respect of its design and the effect on the character and appearance of the area.

14. The Council has also referred to Core Strategy Policy SS1a which reflects the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework. In this case, the proposal does not accord with the up-to-date development plan in respect of Green Belt policy, so the presumption does not apply. Policy SSS1a is therefore of limited relevance.

Living conditions

15. The appeal property is positioned at a higher level than the adjacent property, 46 Ash Bank Road (No 46), which has previously been extended at the rear. The side elevation of No 46 is close to the shared boundary, but the facing side wall of No 48 is set further back, and the proposed extension would be stepped in slightly further again, providing a reasonable degree of separation between the two properties.

16. The kitchen window of No 46 looks out towards the hedge along the shared boundary and to the side elevation of the existing bungalow at No 48. The proposed extension would be visible from this at an oblique angle, but taking account of the existing situation, the additional effect on the outlook from that window would be limited.

17. The proposed extension would face directly onto two side windows at No 46 but one of these is a bathroom window and the other is a utility area. The proposed extension would have an impact on the outlook from the utility area, but this is not main habitable room where significant amounts of time would be spent.

18. Given the relative orientation of the two properties in terms of both siting and height, there would be some loss of sunlight to the kitchen window at No 46 during the morning. However, direct sunlight entering the room from that window will already be affected by the existing hedge and neighbouring property, and the additional effect of the proposed flat roofed extension would be limited. Furthermore, although the kitchen area is a main habitable room,

the layout is open plan and the space has other sources of natural light and direct sunlight.

19. I conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of No 46 by reason of outlook or loss of sunlight. Consequently, there would be no conflict with Core Strategy Policy DC1 or Framework paragraph 127, both of which are concerned with protecting amenity.

Other considerations

20. I acknowledge the appellant's suggestion that, under permitted development rights, a rear extension of a similar length could be erected. However, such an extension would require a slight reduction in the eaves height and a set-back along the rear elevation. Given the changes to the scheme that would be necessary, there is no certainty that it would be implemented.

21. An extension could also be added to the side under permitted development rights, which might have a greater impact on the neighbouring property, but this is significantly different from the proposed scheme and so does not represent a realistic alternative.

22. I have found that the proposal would have a neutral impact on openness, but that would also be the case for extensions erected using permitted development rights. I therefore give the suggested permitted development fall-back position limited weight in determining this appeal.

23. The extensions carried out at the neighbouring property, 46 Ash Bank Road, were approved a number of years ago, prior to the adoption of the Core Strategy in 2014. Whilst national policy on Green Belts has not changed significantly during that time, the application was considered in the context of different local policies to those now in place, which may have provided different guidance on this issue. As such, whilst I acknowledge the scale of the extensions permitted, this does not justify the proposed extension.

The Green Belt Balance and Conclusion

24. The proposed development would be inappropriate development which would, by definition, cause harm to the Green Belt. The Framework establishes that substantial weight should be given to such harm.

25. The proposed scheme would not cause harm to the character and appearance of the area, to the openness of the Green Belt or to the living conditions of neighbouring occupiers, but these are neutral factors in the planning balance. I give limited weight to the potential for permitted development rights to be exercised and to the previously approved extension at No 46.

26. When taken together, the other considerations do not clearly outweigh the harm to the Green Belt caused by inappropriateness. Consequently, very special circumstances do not exist to justify the development.

27. I conclude, therefore, that the appeal is dismissed.

R Morgan

INSPECTOR