The Planning Inspectorate

Appeal Decision

Site Visit made on 6 July 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2021

Appeal Ref: APP/B3438/W/21/3273604
11 Ash Bank Road, Werrington ST2 9DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Sam Raizada against Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0626, is dated 11 November 2020.
- The development proposed was originally described as 'side extension to adjoin garage to rear'.

Decision

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

Applications for costs

2. An application for costs was made by Mr Sam Raizada against Staffordshire Moorlands District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have considered the appeal on the basis of the more accurate revised description suggested by the Council during the application process and included within the appellant's appeal form, this being 'single storey side and rear extensions along with removal of existing garage and store'.

4. The Council's appeal statement sets out the grounds on which the Council would have refused planning permission if it had been in a position to determine the application as well as other outstanding concerns. I have given regard to these matters in defining the main issues.

5. Since the appeal has been lodged the revised National Planning Policy Framework (the Framework) has been issued on 20 July 2021. However, there have been no material changes to the relevant parts of the Framework's policies concerning development in the green belt or its requirements for developments to be of a good design and to provide for high standards of amenity. Therefore, it has not been necessary to go back to the parties for further comments in this particular instance.

Main Issues

6. 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 on the openness of the Green Belt.

(iii) The effect of the proposal on the character and appearance of the area.

(iv) The effect of the proposal on the living conditions of occupants of No 13 Ash Bank with particular regard to means of outlook and light.

(v) If the proposal would be 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 or not inappropriate in the Green Belt

7. Policies H 1 (New Housing Development), SS 10 (Other Rural Areas Strategy) of the Staffordshire Moorlands Local Plan (2020) (LP) confirm amongst other things that strict control is to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by national policy.

8. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. One 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.

9. What constitutes a disproportionate addition is not defined within the Framework nor within the policies of the LP. An assessment of whether the proposed extension would be 'disproportionate' in the context of paragraph 149 is therefore a matter of planning judgement. The Council suggests that as a rule of thumb extensions of up to 30% of the original footprint of the dwelling would typically be accepted as not being disproportionate.

10. The Council has stated that the proposal would result in a 130% increase on the footprint of the original dwelling. The Council has also confirmed that even if those outbuildings which are visually and physically closely related to the dwelling are taken into account as original floorspace, the proposal would still equate to a 62% increase in floorspace. The appellant has not provided any evidence to dispute these figures.

11. Based on the above purely statistical figures, the extensions would lead to a substantial increase in the footprint of the dwelling over that of the original dwelling. However, it is also important to consider this issue in terms of the layout, scale, bulk and mass of built form relative to the size of the original building. I acknowledge that the proposals would be single storey in scale and that there are existing detached garage and store buildings within the footprint of the proposals. However, the side and rear extensions would result in a coalescence of built form on the site. The extensions would collectively span the full width of the plot and would give the dwelling a significantly greater depth and mass of built form when compared to that of the original dwelling.

12. Overall, based on the figures before me and the collective built form of the proposal, I find that the development would result in disproportionate extensions over and above the original dwelling and would therefore be inappropriate development in the Green Belt having regard to the development plan and the Framework.

The effect on the openness of the Green Belt

13. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development. Openness is a separate issue from the effect of a development on the character and appearance of an area.

14. The appeal dwelling sits within a row of dwellings on Ash Bank and land to the rear of the site falls away towards dense mature vegetation. Consequently, other than from neighbouring properties the visual effect on openness would be largely limited to localised views of the side extension in views from the road on Ash Bank. In that regard the development would be seen in context with existing residential development along Ash Bank. From a spatial perspective the proposals would undoubtedly increase the footprint and volume of the dwelling. When these factors are considered together, there would be a modest effect on the openness of the Green Belt.

Whether or not there would be any other harm - Character and appearance

15. No 11 is a two-storey, semi-detached, pitched roofed dwelling. It is situated within a row of two-storey dwellings which form a ribbon development on Ash Bank. The dwelling and outbuildings at No 11 are finished in brickwork and this reflects the predominant facing material in the area. There are some examples of painted render in the area including to the side elevations of some of the neighbouring dwellings in the row and to some of the principal elevations of dwellings on the opposite side of Ash Bank.

16. The proposed extensions would incorporate a rendered finish and the rear extensions would be flat roofed. These elements of the design would therefore contrast with the roof form and facing materials on the existing dwelling. Even so, the side extension would have a relatively narrow front elevation and would incorporate a pitched roof. Views of the render applied to the side extension would be partially screened by the neighbouring dwelling at No 9 Ash Bank and would be seen in context with the render seen elsewhere on Ash Bank. The flat roofed rear elements would only be seen from the rear of neighbouring properties. Therefore, the contrasting design elements described would be relatively discreet in terms of their relationship with the host building and the street scene.

17. The Council has referred to a requirement at paragraph 7.27 of its 'adopted design guide' for new materials to respect the host building and the need for alternative materials to harmonise well with the host building although I have not been provided with a copy of this document. In any case, for the reasons set out, I am not persuaded that alternative materials would be harmful to the character and appearance of the host building or wider area in this particular instance.

18. I conclude that the design of the development would not result in harm to the character or appearance of the area. In that respect, the development would be consistent with the aims to protect character and appearance in Policies DC 1 (Design Considerations) and SS 10 (Other Rural Areas Strategy) of the LP.

Whether or not there would be any other harm - Living conditions of No 13 Ash Bank

19. A side elevation of the rear 'family room' extension would sit adjacent to the boundary with No 13. This neighbouring dwelling has a ground floor main habitable window to its rear elevation which sits between a two-storey rear extension at No 13 and the shared boundary with the appeal site. Due to its considerable depth and close proximity to this neighbouring window, the bulk and mass of the extension would be imposing. In combination with the two-storey rear extension at No 13, the rear extension would be likely to reduce the quality of outlook and levels of light experienced from this neighbouring window.

20. The Council has provided a document titled 'Space About Dwellings' which confirms amongst other things that these standards were adopted as Supplementary Planning Guidance (SPG) in 1996. The SPG seeks amongst other things that for extensions, a horizontal angle of 45-degrees measured on plan view from the mid-point of the nearest principal window of an adjacent property is provided. The proposal would conflict with this guidance which further convinces me that the proposal would be unacceptable.

21. I conclude that the development would have a significantly harmful effect on the living conditions of occupants of No 13 Ash Bank with particular regards to means of outlook and light. In that respect, the development would conflict with the requirements for development to protect residential amenity in Policy DC 1(Design Considerations) of the LP.

Other Matters

22. The appellant contends that if the extensions did not attach to each other, a similar rear extension could be proposed through the prior approval process. However, the proposals before me require planning permission and there is no evidence to suggest prior approval has been obtained through this alternative application process. In such instances and where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority would be required as to the impact of the proposed development on the amenity of any adjoining premises. Given no such prior approval has been obtained, this somewhat diminishes the weight that I am able to afford to this prospect as a fallback position.

Green Belt Balance and Conclusion

23. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. I have found that the design and scale of the proposal and the site-specific circumstances of the development means the development would have a modest impact on the openness of the Green Belt. The development would also result in harm to neighbouring living conditions. Very special circumstances will not exist unless the potential harm

to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome. The other considerations put forward in favour of the proposal would only carry limited weight.

24. In conclusion and on balance, the substantial weight to be given to Green Belt harm, in addition to the other harm identified is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.

25. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR