

Single storey side link extension at Greenfields, Dingle Lane, Rushton Spencer.

APPLICATION REF 2014/0813

GROUND OFS OF APPEAL

I. The site

The site lies on the north side of Dingle Lane at Rushton Spencer. Greenfields is a replacement dwelling which was constructed following the grant of planning permission under application 0700604. The development was completed in 2009, (albeit with some variations to the of the house and its fenestration).

It should be noted that this application requires the permission of the LPA due to a condition on the original permission for the host property which effectively withdraws the rights granted by Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

2. Proposed Development of the Site

The application followed an earlier application for a similar proposal and sought to address the previous reasons for refusal. It comprises a link between the side gable of the house and an outbuilding located about 5 metres to the east of the house. It is single storey with fully glazed walls and a tiled roof to match the existing buildings. It would have a floor area of 22m².

3. Reason for Refusal

The single reason for refusal identifies the following concerns:

- That the form of the development is "visually disproportionate."
- That it is inappropriate development in the Green Belt.
- That the development causes "some harm to the openness of the Green Belt."
- That no "very special circumstances" have been presented to overcome this harm.
- That the proposal "erodes the character of the site and the wider landscape."
- That the gap between the house and the outbuilding is "a defining feature of rural developments."
- That the proposal is contrary to the NPPF and Local Plan policies R2, DC1, DC2, DC3, SD1, and SS6c.

Each element of the refusal reason will be dealt with in turn below.

4. Grounds of appeal

i Visually disproportionate form

The meaning of this phrase is unclear. This is a very modest extension which is quite small in comparison to both the house and the outbuilding. The form is that of a single storey link with a double pitched roof matching the form of the buildings to which it is attached. Its eaves height is the same the outbuilding to which it is attached and the ridge height is lower. It cannot possibly be argued that such a small extension is in any sense visually disproportionate. An extension can only be visually disproportionate if it is so large as to be out of scale with the host property and/or incongruous in design. There is clearly no substance in this element of the refusal reason.

ii Inappropriate development in the Green Belt

This is a misinterpretation of National and local planning policy. Paragraph 89 of the NPPF establishes that the extension or alteration of a building is not inappropriate development in the Green Belt "provided that it does not result in disproportionate additions over and above the size of the original building." Clearly, on this basis, the proposal cannot be regarded as inappropriate development in the Green Belt.

Paragraph 89 of the NPPF sets out 5 reasons which are served by the designation of Green Belts. None of those reasons can be applied to this development.

iii Harm to the openness of the Green Belt.

There will be no harm to the openness of the Green Belt. The proposed building lies between two existing buildings. It does not project in front, to the rear or above the existing buildings to which it will be attached. In views from the countryside surrounding the site, the proposed development will hardly be discerned and, to the limited extent that it will be visible, it will be seen against the backdrop of existing buildings. Both exposed elevations will be fully glazed, further minimising the impact of the building.

iv Very special circumstances to overcome harm to the Green Belt.

As stated above, this form of development is not inappropriate development in the Green Belt, it will not harm to the openness of the Green Belt and there is no other harm to the Green Belt so no very special circumstance are needed to justify the development. The LPA would have to identify some other harm in order to justify a requirement for the demonstration of very special circumstance. Clearly, in this case, no very special circumstance need be established.

v Erodes the character of the site and the wider landscape.

The character of the site is that of a relatively modern, substantial residential property in a mature and well established garden with a substantial outbuilding. That character will in no way be adversely affected by this proposal. As to the wider landscape, as stated earlier, the proposed development will hardly be discerned and, to the limited extent that it will be visible, it will be seen against the backdrop of existing buildings. There will be no erosion of the character of the landscape.

vi That a gap between a house and outbuilding is a defining feature of rural developments

This is pure invention on the part of the LPA. There is no case for suggesting that a separation between a house and its outbuilding is a prevalent feature of rural developments. One only has to look at traditional farm building groups to see the weakness of this assertion. Many traditional farmhouses are physically linked to their outbuildings. Some rural houses have linked outbuildings, some have separate outbuildings and some have no outbuildings, but those differences have no bearing on rural character. There is no intrinsic visual benefit from the visual separation between this house and its outbuilding.

vii That the proposal is contrary to the NPPF and Local plan policies

In reference to Section 7 of the **NPPF** and Policies **DC1**, **DC2**, **SD1** and **SS6c** of the Core Strategy, the LPA officer's delegated report points to the requirement that design should establish a strong sense of place and that permission should be refused for development of poor design. The officer then says *that "the extensive glazing will significantly impact on the general rural character of the property, the site and the wider landscape and will allow domestic paraphernalia to be visible and will be especially evident in the evenings when it will be illuminated."*

This analysis is disputed. This proposal is for an extension to a dwelling situated well within the domestic curtilage and between existing domestic buildings. It is entirely reasonable and appropriate that it should utilise extensive glazing. This will minimise the apparent bulk of the building and it is nonsense to suggest that the "rural character" of a dwelling is in any way dependent on the amount of glazing. An extension cannot be regarded as "domestic paraphernalia." As to the impact of illumination, insofar as this has any relevance, this will be minimal as the extension merely provides a link between

buildings and there is no part of the public domain from which any illumination of this extension will be noticeable. In any event blinds or curtains will be fitted.

In reference to Policy **DC3**, the LPA officer's delegated places reliance on the requirement that schemes detrimental to local landscape character should be refused. The report suggests that a common feature of this area is small farms with detached outbuildings and barns in close proximity and that the link extension will erode this character and affect the wider landscape. This is again a flawed analysis. Rural buildings in this locality are often linked and this does not detract from the rural character.

Even if this point had merit, the appeal site does not have the character which one would associates with a traditional small farm group. It is a modern residential dwelling with a domestic outbuilding. It does not share characteristics with traditional rural farm buildings.

In reference to Policy **R2**, the LPA officer's delegated report points to the requirement that rural dwelling extensions must be "appropriate in scale" and must not have a detrimental impact on the existing dwelling and rural character and the report asserts that the proposed link extension will erode the rural character and layout of the buildings. This is effectively the same point as has been made in regard to policy DC3 and thus requires no further response.

5. Conclusion and closing comments

The Council has invented a "defining feature of rural developments" which does not exist but, even if such a defining feature did exist, it could only be applied to traditional farm building groups. The LPA has treated this application as if it was part of a traditional rural farm group rather than a relatively modern undistinguished dwellinghouse, which has none of the characteristics of a small group of farm buildings.

The assertion that this proposal is inappropriate development in the Green is incorrect. No "very special circumstances need be demonstrated to render this proposal compliant with Green Belt policy.

This is a very small addition to a substantial outbuilding which will have negligible impact on the openness of the green belt and no impact on the character of the wider landscape.

Given the modest scale of the proposed building and its very limited impact, no conflict with local or national planning policy exists.

Finally, I draw attention once more to the fact that the LPA's power to control this development derives from the imposition of a condition removing permitted development rights. In dealing specifically with the issue of whether it is appropriate for planning authorities to use conditions to restrict permitted development rights, the government's recently published Planning Practice Guidance (PPG) says

“Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) Order 1995 (as amended), so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.”

On the basis of that advice, the subject condition cannot possibly be justified and the consequent controls which the condition affords to the LPA should therefore be used with considerable discretion. On that basis, the refusal of permission cannot be justified.

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