The Planning Inspectorate

Appeal Decision

Site visit made on 13 June 2022

by Mr C J A Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/Y3940/D/22/3296711
44, Haygrove Farm, Junction with Iford Hill East C217 to Westwood Road, Lower Westwood, BA15 2AR

(address on decision notice: 44 Westwood Road, Lower Westwood, BA15 2AR)

- 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 Mike Hopkins against the decision of Wiltshire Council.
- The application Ref PL/2021/05676, dated 27 May 2021, was refused by notice dated 6 December 2021.
- The development proposed is described as *'demolition of existing porch and conservatory, and construction of a single storey extension and entrance link to existing house'*.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address on the application form, appeal form and the decision notice all differ to varying degrees. It is clear from the submitted evidence, including the site plan and other drawings, as to the location of proposal regardless of the exact postal identifier used. I have proceeded on the basis that the appeal site is the area outlined in red on the submitted location plan.

Main Issues

3. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:

   - Whether the proposal would be inappropriate development in the Green Belt, including any impact on openness, having regard to the *National Planning Policy Framework* (the Framework) and any relevant development plan policies;

   - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The Framework sets out national policy on Green Belts and is an important material consideration. It is also used by Wiltshire Council to determine

planning applications within the Green Belt. Paragraph 147 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 149 and 150 of the Framework indicate limited exceptions to inappropriate development. Those listed in Paragraph 150 are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions: I concur.

5. Paragraph 149 sets out exceptions to inappropriate development which includes part c); *'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'*. The pivotal dispute between the parties revolves around this point. Neither the Framework, nor local planning policy, define what is considered by the term 'disproportionate additions'. It is therefore, for the decision-maker to determine, as a matter of planning judgement, whether the evidence before them would represent that or not. I have proceeded on this basis.

6. The first stage is identifying the extent of the 'original building' which the Framework helpfully defines in its glossary as *'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.'* There is some dispute between the parties as to what constituted the 'original building' as it existed in July 1948. The Appellant suggests the volume of built development of the main house (that is the element attached to No 45 Westwood Road) was 342m^3 pre-1948[1]. The local planning authority considers that this figure[2] should be approximately 333m^3. These are the relative positions of the main parties – there is also the question of a detached double garage I return to shortly.

7. The next stage is to consider whether the extension or alteration would be 'disproportionate additions' over and above the original building. The Appellant confirms that the proposed link and rear extension, taking into account the removal of a porch and conservatory, would result in a proposed volume of roughly 459.1m^3. In mathematical terms, the proposal would represent a percentage increase in the 'original building' of around 34% on the Appellant's figure or roughly 37% on the Council's figure[3]. In both calculations, the proposed extensions would increase the size of the original building by over a third.

8. With regard to the detached double garage, I understand that this was erected following planning permission in 2003, and later planning permission was approved for use of part of the existing double garage as 'ancillary accommodation' under planning permission 14/07360/FUL[4]. This is borne out on the submitted drawings Proposed Ground Floor Plan 1336_P_110 Revision A and Existing Ground Floor Plan 1336_P_010 Revision A, which indicates part of the garage floor area being used as an annex.

9. The Appellant disputes that the garage should be included in any calculations for the building as it is part of the site than the building. Nevertheless, it is clear from the submitted drawings that the garage – which the Council considers is about 229 m^3 in size - is a normal domestic adjunct with a space

[1] Appellant's Statement of Case, Appendix F – Volume calculations and photos
[2] See Case Officer's Report
[3] 459.1-342/342*100 = 34 and 459.1-333/333*100 = 37
[4] See submitted Design and Access Statement, page 7, Section 2.4 Site history

for parking a vehicle and an annex to the main house that could be used as accommodation. Whilst I note that the garage is not attached, the mere fact it is physically separated from the main house does not prevent it from being part of the dwelling. In this respect it should technically be considered within the calculations of the original dwelling against the proposed.

10. However, neither party has provided me with specific details as to whether the previous garage was part of the 'original building' volume area, and if so whether the replacement garage which is now present was larger, the same, or smaller than the previous garage structure. The Appellant has indicated that the *'original garage was further northwest of replacement but comparable in volume'*[5]. With little evidence to the contrary I see no reason to disagree. As such, I do not find that the size of the previous and replacement garage structures, the latter of which could reasonably be considered as a domestic adjunct, alters my findings in respect of the percentage changes in volume proposed.

11. In setting out that extensions in Green Belt should not result in disproportionate additions, Paragraph 149(c) does not set out a methodology for assessing this. Whilst the main parties have focused on the volumetric method it is also important to consider the dimensions of the proposed development in relation to the original building. In this respect, the proposal would result in a rear extension spanning across most of the rear elevation by around 9.8 metres with a depth of roughly 5 metres, with the link extension having a width of approximately 4.4 metres between the garage and house as shown on drawing 1336_P_110 Revision A. It is clear, in dimensional terms from this drawing, that the footprint of the proposed extension would represent a significant addition to the original building.

12. The Framework makes clear at Paragraph 137, that the essential characteristics of the Green Belts are their openness and permanence, so any reduction in these characteristics would also be harmful. In terms of openness of the Green Belt, the proposal seeks a small, but disproportionate, increase in the size of the existing building in terms of footprint and floorspace. When all of these various factors are compared against the original building, it is clear that the extensions and alterations proposed would further erode the openness of the Green Belt. The proposal would therefore have an adverse impact on the openness of the Green Belt.

13. My attention has been drawn to some of the text accompanying Core Policy 51 of the *Wiltshire Core Strategy* which sets out the purposes of the Wiltshire Green Belt; including maintaining the open character of undeveloped land adjacent to Bath, Trowbridge and Bradford-on-Avon. However, it also indicates that applications within the Green Belt will be determined in accordance with national planning policy. I have done that here.

14. When taking into account the percentage increase in volume and the relative dimensions of the extensions in comparison with the original building, I find that the proposal would result in disproportionate additions over and above the size of the original building. Accordingly, the proposal would represent inappropriate development in the Green Belt as it does not fall within one of the exceptions set out in Paragraph 149 and 150 of the Framework.

[5] Appellant's Statement of Case, Appendix F – Volume calculations and photos, Figure 5

Other considerations

15. Whilst the Appellant considers that the proposal is not inappropriate development within the Green Belt, I have found otherwise. In this respect the Appellant considers that the following very special circumstances provide justification for it to be permitted in Green Belt terms.

16. In terms of what might be possible through permitted development rights, I acknowledge the Appellant's point about being able to build a smaller rear extension. However, this would be considerably smaller than that proposed, with a depth of 3 metres rather than 5 metres. Furthermore, whilst it could be possible to erect outbuildings under permitted development rights which could impact views through the site, I have not been provided with specific details as to where such buildings would be erected. Given the doubt of what in practical terms could be achieved through permitted development rights (as little detail has been provided) I afford what might be built through the exercise of permitted development rights limited weight in this case.

17. With regard to the removal of the existing conservatory I note the Appellant's view that this is not a sympathetic design to the main dwelling. Its replacement with a potentially more sympathetic designed structure is accorded modest weight.

18. The fact that the proposal has not been identified as causing harm to the character or appearance of the Conservation Area by failing to preserve or enhance it, as required by s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, is afforded modest weight in favour of the proposal.

Overall Conclusions

19. Paragraph 148 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce openness of the Green Belt.

20. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these are permitted development rights, removal of unsympathetic additions and no specifically identified harm to the Conservation Area. Whilst I acknowledge these, and all other considerations put forward by the appellant, Paragraph 144 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied.

21. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness. The very special circumstances needed to justify the proposal do not therefore arise. The proposal conflicts the Policies of the Framework, the aims of which I have aforesaid, and the adopted development plan.

22. Accordingly, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR