
Appeal Decision

Site visit made on 25 March 2014

by Roger Catchpole Dip Hort BSc (hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 April 2014

Appeal Ref: APP/Y2736/D/14/2214331

Derwent Dale, York Road, Stamford Bridge, York, North Yorkshire YO41 1AH

- 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 and Mrs Colin Boot against the decision of Ryedale District Council.
 - The application Ref 13/01067/HOUSE, dated 1 January 2013, was refused by notice dated 31 January 2014.
 - The development proposed is described as the 'erection of two storey extension to the rear and side following demolition of an existing flat-roofed rear extension and prefabricated garage and store and culverting of section of water course to enable improved vehicle manoeuvring in the interests of road safety'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the appellants have submitted a revised plan (Ref RDC/1309/01/1A) in their evidence. However, the appeal process should not be used to evolve a scheme and it is important that the facts before me are essentially what was considered by the Council, and the ones on which interested people's views were sought. Although amendments that are agreed by both parties can be considered in exceptional circumstances, their acceptance is dependant on two things. Firstly that their scope is relatively minor and secondly, that in accepting them, the interests of other people engaged in the case are not prejudiced.
3. The proposed amendments set out in the revised plan are significant in scope, involving the remodelling of both the front and rear elevations. Given the degree of difference, I am concerned that those with an interest in the case may well have a view on the nature and scope of the amendments set out in the revised plan. Given that they have not had an opportunity to comment I have determined this appeal on the basis of the original plan (Ref RDC/1309/01/1). Necessarily, this means that comments relating to the revised plan made in the appellant's statement have been discounted in my determination of the case.
4. I have taken into account the Government's Planning Practice Guidance, issued on 6 March 2014, in reaching my decision.

Main Issues

5. As the appeal site is within the Green Belt the main issues are:
- Whether the proposal is inappropriate development for the purposes of the *National Planning Policy Framework 2012* (the Framework);
 - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the host property and the local area; and
 - if the proposal is inappropriate development, whether the harm by reason of its 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

6. The site is located in open countryside and faces onto a main road (A166) that links the nearby settlement of Stamford Bridge with York. The host property is partially screened by a mixed hedge with only the roof and gable ends of the bungalow visible to passing road users.

Whether inappropriate development?

7. Paragraphs 89-90 of the Framework set out those categories of development which may be regarded as not inappropriate, subject to certain conditions. These exceptions comprise buildings and other facilities listed in paragraph 89.
8. Whilst the extension and replacement of buildings can be considered as exceptions, proposals must not lead to disproportionate additions over and above the size of the original building or be materially larger than the ones they replace. Given the nature of the development, the key consideration in this instance is whether the extension would be disproportionate.
9. I note from the plan that the proposed scheme would lead to an extension that would be substantially larger than the retained front elevation and which could not, through any reasonable interpretation, be considered proportionate or subservient to the existing property. Indeed, the Council have estimated that this would lead to an increase in volume of approximately 160%, which is undisputed by the appellants.
10. Given these facts, I conclude that the two storey extension to the property is clearly inappropriate development and is, by definition, harmful to the Green Belt.

Openness and character and appearance

11. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. This is defined by an absence of built or otherwise urbanising development. Since the scheme would lead to a significant increase in both the volume and the footprint of the original property it would, by definition, reduce the openness of the Green Belt.
12. I observe that the host property currently has an inconspicuous appearance owing to the partial screening from the hedge at the front and the backdrop provided by nearby trees and woodland to the rear. However, the significant increase in mass that is being proposed would break the skyline and greatly

increase its prominence to passing road users. The disproportionate nature of the extension would also lack any sympathy with the host property and would create a highly incongruous addition of discernibly poor design.

13. The appellants have drawn my attention to a number of 2-storey properties in the vicinity where planning permission has apparently been granted. Whilst I acknowledge some similarities, in terms of overall mass, I do not have the full details of these permissions before me nor any evidence to suggest that current policies applied when they were constructed. I also note that the stated support from parish councillors is uncorroborated and in any event would not outweigh the harm that I have identified. As a result I give these matters little weight in the balance of this appeal.
14. Taking the above into account I conclude that there would be a degree of harm to openness as well as significant harm to the character and appearance of both the host property and the local area, in addition to the harm that would arise from the inappropriate nature of the development. For these reasons I conclude the proposals would be contrary to the guidance in the Framework as well as policies SP13 and SP16 of the Rydale Local Plan Strategy with Main Modifications and Additional Modifications 2013.

Other Considerations

15. The fact that the appellants were unaware that the property was in the Green Belt and that development was therefore restricted is a matter to which I can attach only very little weight. The Green Belt was designated before they acquired the property and this is a fact that was in the public domain prior to purchase. Similarly, the need to store furniture and belongings in a garden shed should have been apparent prior to purchase and is also something to which I can attach only very limited weight.
16. I find the justification of the need for a 2-storey property to act as a flood refuge unconvincing. This is because I have no evidence before me that the property is prone to flooding. The appellants themselves have also acknowledged that the property is in a low risk flood zone of the River Derwent. Consequently I give this no weight in the balance of this appeal.

Conclusion

17. Having considered all matters raised in support of the proposal, I conclude that, collectively, they do not clearly outweigh the totality of harm I have identified in relation to the Green Belt and local character. Accordingly, no very special circumstances exist that would justify allowing the development. I therefore conclude that this appeal should be dismissed.

Roger Catchpole

INSPECTOR