



Appeal Decision

Site visit made on 9 August 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/B3030/D/21/3274159

5 Lambley Road, Lowdham, NG14 7AZ

- 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 & Mrs Swallow against the decision of Newark & Sherwood District Council.
 - The application Ref 20/02239/HOUSE, dated 16 November 2020, was refused by notice dated 25 February 2021.
 - The development proposed is demolish existing single storey side extension and construct two storey and part single storey side and rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted to demolish existing single storey side extension and construct two storey and part single storey side and rear extension at 5 Lambley Road, Lowdham, NG14 7AZ in accordance with the terms of the application 20/02239/HOUSE, dated 16 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Block plans drawing no. 482.03 Rev A; and Site plan, floor plans and elevations as proposed drawing no. 482.02 Rev H.
 - 3) No development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Before the windows and doors are installed into the extension hereby permitted, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.
 - 5) Before any window or door heads and sills are installed, details of their design, material and construction, in the form of scale drawings and material samples/specifications, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only
-

in accordance with the agreed heads and sills details.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The original drawings were amended during the course of the planning application. The Council's decision was based on drawing nos. 482.02 Rev H and 482.03 Rev A. For the avoidance of doubt, my recommendation is based on these amended drawings.
4. The drawings were amended to remove a balcony above the single-storey rear extension. The description of the development on the application form included the balcony. Therefore, in the header above I have taken the description of the development from the appeal form and the decision notice, which is an accurate description of the proposal.

Background and Main Issue

5. The appeal site is within the Green Belt and relevant Green Belt policies therefore apply. The National Planning Policy Framework (the Framework) identifies that new buildings within the Green Belt will be inappropriate, save for a number of exceptions, including paragraph 149(c) which relates to the extension or alteration of buildings. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist to justify a proposal.
6. As such, the main issue is whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework.

Reasons for the Recommendation

7. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building, providing that the extension would not result in a disproportionate addition over and above the size of the original building.
8. Spatial Policy 4B of the Amended Core Strategy (March 2019) (ACS) sets out where new housing development could be acceptable and states that any other development within the Green Belt that is not identified in the policy, such as the proposal before me, shall be judged according to national Green Belt policy. This approach is reflected in chapter 10 of the Council's Householder Development Supplementary Planning Document (November 2014) (SPD).
9. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.' However, the term 'disproportionate' is not defined. The Council mentions a 'rule of thumb' threshold of a 30%-50% increase in volume, footprint and/or floor space as being disproportionate. However, given the lack of any such criteria in

the development plan, this 'rule of thumb' is a guide only and a judgement is required in any given case.

10. The Council's calculations, which have not been challenged by the appellant, show that the proposed extension would result in an increase of approximately 31.87% of the floorspace, 50.54% of the footprint, and 23.26% of the volume of the original building. As such, the increases to the floorspace and volume of the building would fall within or below the 30%-50% 'rule of thumb'. While the increase to the footprint would be above the upper limit of this threshold, the proposal would result in a reduction of the current footprint of the building.
11. Size is more than a function of floorspace, volume and footprint and includes bulk, mass, and height. The proposed extension has been designed to be subservient to the original dwelling, with a set-back from the front elevation and the ridge set down from the main roof. The first-floor addition would partially fill in space between the property and the neighbouring dwelling. However, that does not dictate that the proposal would be disproportionate in scale when assessed against the original dwelling. Overall, taking account of the percentage increases identified above and the subservient nature of the design, I am satisfied, as a matter of judgement, that the addition to the original building would not be disproportionate to the original property.
12. The Council has referred to the loss of openness that would arise as a result of the proposal, which would extend closer to No.7 at first floor level. However, the Framework does not seek to avoid all impact on openness and there is no requirement in national policy to undertake a separate assessment on the impact on openness where an extension is not disproportionate over and above the scale of the original property.
13. Consequently, the proposal would meet the exception in the Framework for an extension or alteration to a building and would not be inappropriate development within the Green Belt. For these reasons, the proposal would satisfy Paragraph 149 of the Framework, Policy 4B of the ACS and chapter 10 of the SPD.

Other Considerations

14. The appeal site is within the Lowdham Conservation area and is also within the setting of the Grade II listed building at 1 Lambley Road.
15. In this case, the Council has raised no substantive objection to the proposal in terms of its impact on these heritage assets, subject to certain conditions regarding the details of the doors, windows, brick bonding and render that would be used. The proposal would replace a single-storey side extension of no architectural merit. The replacement extension has been designed to be subservient to the main dwelling and would be finished in materials that would tie in with the existing house and surrounding properties. Although the first-floor addition would reduce the apparent gap between the dwelling and the neighbouring property to a degree, sufficient space would remain to enable the individual character of each property to be appreciated. As such, the proposal would preserve the character and appearance of the conservation area and would not detract from the setting of the listed building. Accordingly, it would meet the requirements of sections 72 (1) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act.

Conditions

16. In addition to the standard time limit condition and a condition specifying the approved plans is necessary to provide certainty and in the interests of proper planning.
17. The submitted drawings, Design and Access Statement and application form provide details of the materials to be used, which would be in keeping with the existing building. It would therefore be unnecessary for sample panels to be provided, as requested by the Council, although it is necessary for a condition requiring full details of the external materials of the extension to be submitted and approved by the Council prior to any construction above slab level, in the interests of the character and appearance of the Conservation Area.
18. In the interests of the character and appearance of the Conservation Area, it would be necessary for a condition requiring details of the windows, including window or door heads and sills, to be submitted to and approved by the Council prior to the installation of these features.

Conclusion and recommendation

19. For the reasons given above the proposal would not amount to inappropriate development in the Green Belt and would comply with relevant policies of the development plan and the Framework. Having had regard to that and all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions above.

Chris Preston

INSPECTOR