

APPEAL BY MS MELISA HOLTOM AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A CONSERVATORY AT 2 NURSERY GARDENS, BUTTERTON, NEWCASTLE

<u>Application Number</u>	13/00948/FUL
<u>LPA's Decision</u>	Refused by delegated powers 10th February 2014
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	25th April 2014

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00948/FUL) and the following is only a brief summary.

The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt and upon the character and appearance of the area; and if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify it. In dismissing the appeal, the Inspector made the following key comments:

- The appeal relates to a large detached bungalow property that has already been significantly extended. It is located within the boundaries of the Green Belt and the Butterton Conservation Area.
- The Council argue that the existing single storey side garage extension already amounts to a 55% increase to the size of the existing property. This has been uncontested by the appellant and having seen the size and scale of this addition on the site visit there is no reason to question this figure.
- Having assessed the size of the existing extension in comparison to the original building the Inspector considered that it has already reached its limit in terms of proportionality. An increase to this would inevitably result in disproportionate additions over and above the size of the original building.
- Therefore, the proposal would be inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework, and Local Plan Policy S3.
- In terms of the impact on openness the proposal would be enclosed and not visible from anywhere other than within the private courtyard itself. As such the loss of openness would be minimal and the proposal would not harm the character and appearance of the surrounding area.
- The appellant's main argument relates to the medical benefits associated with the proposed hot tub facility, and the Inspector had regard to a submitted medical journal and letters of support from the appellant's Doctor and Case Manager which substantiate the personal circumstances of the appellant.
- Whilst there is considerable sympathy for the appellant's household, personal circumstances will seldom outweigh more general planning considerations, particularly where development would be permanent. For the reason that they could be repeated so often in Green Belt situations across the country, such personal circumstances are not on their own capable of amounting to very special circumstances in the terms of national planning policy.
- Furthermore, it cannot be certain that the hot tub, as the appellant's family suggests, could not be located within the existing dwelling. The personal circumstances of the appellant therefore carry little weight.
- Consequently there are not any very special circumstances that are necessary to justify inappropriate development in the Green Belt.

Recommendation

That the decision be noted.