

Classification: NULBC **UNCLASSIFIED**

APPEAL BY SULBY PROPERTIES AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR ALTERATIONS TO PLANS AND ELEVATIONS PREVIOUSLY APPROVED UNDER 07/00014/FUL (REPLACEMENT DWELLING AND ALTERATIONS TO VEHICULAR ACCESS AND PEDESTRIAN ACCESS) AND UNDER 07/00653/FUL (ALTERATIONS TO ELEVATIONS PREVIOUSLY APPROVED UNDER 07/00014/FUL) AT SULBY, DEN LANE, WRINEHILL

<u>Application Number</u>	15/00504/FUL
<u>LPA's Decision</u>	Refused by delegated authority on 11th August 2015
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	5 February 2016

The Inspector considered the main issues to be whether the development constitutes inappropriate development in the Green Belt, the effect on the openness of the Green Belt, the effect on the living conditions of the adjacent occupiers in terms of loss of privacy, and whether if found to be inappropriate development, there are any very special circumstances to justify inappropriate development.

In dismissing the appeal the Inspector made the following comments:

Inappropriate Development in the Green Belt

- Whilst the volume increase between the original dwelling and the proposed development is disputed between the Council and the appellant, the appellant's lower figure is still materially larger than the original dwelling. The original scheme was considered to be inappropriate development in the Green Belt and the current scheme is larger still and it follows that it too constitutes inappropriate Green Belt development.
- The Inspector did not accept the appellant's argument that he should only consider whether the dwelling now proposed is disproportionately larger than the 2007 scheme as that is the fall back. The approved replacement dwelling has not been built and it is not possible to consider extensions to a building which does not exist. It is therefore a larger replacement building than that which was granted permission in the 1007 scheme.
- The proposed development would constitute inappropriate development in the Green Belt.

Openness

- The proposal would be larger than the 2007 scheme and therefore as a matter of fact, there would be a reduction in the openness of the Green Belt.

Living Conditions of Adjoining Occupiers

- The Inspector considered the views to the neighbouring property to the west to be limited. The house to the east has a large first floor balcony and there are already clear views between the two properties.
- The proposed balcony would be surrounded by a glazed screen of a height that would restrict views to each side and further details of the screen could be required by condition.
- Given the above, the Inspector considered the proposal would not be a material additional loss of privacy for adjoining occupiers.

Other Considerations

- The Inspector dismissed the appellant's argument that the proposal would provide a better quality layout with more functional and better managed internal space than the

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approved house. She could find no evidence that the approved dwelling would be of a poor or impractical design and the inclusion of certain design features is a personal preference of the appellant. Moreover, some of the internal rearrangement could probably be achieved without enlarging the house.

The Planning Balance

- The Inspector concluded the proposal would cause significant harm to the Green Belt by way of inappropriate development and added to this the harm, albeit not significant harm, through the loss of openness in the Green Belt.
- The absence of an adverse effect on the privacy of the adjoining occupiers is considered to be neutral factor in the planning balance.
- The Inspector did not consider that improvements to the layout of the house would provide for a significantly better quality dwelling such as to outweigh the harm to the Green Belt.
- No other very special circumstances necessary to justify granting inappropriate development exist in this case.

Recommendation

That the decision be noted.