

APPEAL BY MR S GALLIMORE AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR ALTERATIONS AND EXTENSIONS TO 32 ALDERHAY LANE, ROOKERY

<u>Application Number</u>	17/00723/FUL
<u>LPA's Decision</u>	Refused under delegated authority 18th April 2018
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	23rd October 2018

The Appeal Decision

The appellant submitted a number of revised plans with the appeal which the Inspector accepted due to the minor nature of the revisions and because no objections from residents had been received to the original scheme. The Inspector considered that this would not prejudice either party.

The Inspector identified the main issues as:

- Whether or not the proposed development is inappropriate development within the Green Belt.
- The effect of the proposed development on the openness of the Green Belt
- If the development is deemed inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

In dismissing the appeal the Inspector made the following comments:-

- On the basis of the revised drawings the appellant calculated that the floor area would be increased by 54% and the volume by 38% if the alterations were to go ahead. These calculations include the garage as part of the original dwelling, however it was added at a later date. Taking this into account, the new extension, when added to the garage, would increase the size of the original dwelling by about 67% in floor area and 58% in volume.
- The proposal would therefore result in a disproportionate addition over and above the size of the original dwelling contrary to Policy S3 and paragraph 145 of the NPPF.
- Openness is an essential characteristic of the Green Belt and this would be reduced by the additional built development proposed. However, when assessed in isolation, the loss of openness would be minimal.
- The Council accepts that the proposal would improve the overall appearance of the dwelling which lends some support to the scheme but this support is compromised by the elevated position of the dwelling above the highway, making the appeal site prominent within the locality. In conclusion on this issue, whilst the proposal would affect the openness of the Green Belt, the overall effect would be minimal.
- It is appreciated that additional accommodation is required to meet the appellant's health needs. The proposed extension would provide accommodation for the appellant's daughter and family when she eventually takes over the business operated from the appeal property. Whilst it is convenient for the person operating the business to be living at the appeal property there is insufficient justification to demonstrate that it is essential or necessary. Indeed there is no evidence that it is tied to the business in terms of its occupation or use.

The Inspector reached the conclusion as follows;

- The proposal would be inappropriate development in the Green Belt, and result in a minimal loss of openness. The NPPF establishes that such harm is a matter of substantial weight.
- The proposal would improve the appearance of the property and the Council do not object to the design. Whilst having sympathy with the health issues of the appellant, it was not considered that the business justification had been satisfactorily provided. These considerations were therefore not sufficient to outweigh the harm to the Green Belt and very special circumstances do not exist in this case.
- For the reasons given, the overall conclusion is therefore that the appeal should fail.

Recommendation

That the appeal decision be noted.