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## Appeal Decision

Site visit made on 13 December 2016

**by David Murray BA (Hons) DMS MRTPI**

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

**Decision date: 21 December 2016**

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**Appeal Ref: APP/P1805/D/16/3159929**

**Banks Green Cottage, Banks Green, Redditch, B97 5SU.**

- 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 D Uren against the decision of Bromsgrove District Council.
  - The application Ref. 16/0327, dated 11 April 2016, was refused by notice dated 11 July 2016.
  - The development proposed is the erection of a rear ground floor extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the proposed extension would amount to a disproportionate addition to the property and constitute inappropriate development in the Green Belt, and secondly whether other considerations provide very special circumstances to justify the development as an exception.

### Reasons

#### *Background*

3. The appeal site contains a detached property set in its own large garden and along with a few other scattered houses lies in an area of open countryside which forms part of the Green Belt. The property has a double fronted original form with two gables forming the width and three roof gables to the rear with a further extension in the form of a conservatory with mainly glass walls and roof.
4. It is proposed to demolish the conservatory and erect a sunroom with brick walls and a tiled roof and a bespoke window. The floor area of the sunroom would be about twice that of the conservatory.

#### *Policy context*

5. The development plan for the area includes the Bromsgrove District Local Plan (2004) where the relevant policies regarding extensions to dwellings in the Green Belt are DS2, DS13 and S11, coupled with Supplementary Planning Guidance - SPG7 regarding 'Extensions to dwellings in the Green Belt'. Although the Local plan was adopted prior to the National Planning Policy Framework in 2012 (NPPF), I am satisfied that these policies are broadly consistent with the guidance in paragraph 89 of the NPPF. In this, new building comprising the extension or alteration of a building is an exception to being
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classed as 'inappropriate development' in the Green Belt provided this "does not result in disproportionate additions over and above the size of the original building."

*Whether inappropriate development*

6. The Council says that the dwelling has already had a number of extensions resulting in a cumulative increase of 124% over and above the original dwelling, whereas the Council's SPG7 regards an extension of up to 40% of the original dwelling as a proportionate addition.
7. In this case it appeared to me at the site visit that the property has already been extended significantly. Although the new sunroom would be at the rear of the property away from the public realm it would add to the physical bulk of the building and have an effect on the openness of this part of the Green Belt. Further, the present conservatory has the appearance of a visually subordinate light weight structure whereas the proposed sunroom would have the form of a solid structure which would materially increase the overall building bulk.
8. Overall on this issue I find that the proposal would not be a limited extension but would result in a disproportionate addition to this property in the Green Belt and the further building bulk would be harmful to the openness of the area. The proposal is therefore inappropriate development and is contrary to the provisions of saved policies S11 and DS13 of the Bromsgrove District Local Plan and paragraph 89 the NPPF. The proposal would be harmful to the Green Belt and should not be approved except in very special circumstances.

*Other matters*

9. The appellant claims that a *fallback position* exists which provides such very special circumstances. Reference is made to the appellant's ability to add a further extension to the property under the provisions of permitted development as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The appellant's agent advises that a 4m deep extension could be carried out which would equate to an additional 90 cubic m, after formal neighbour consultation, or 40 cubic m of addition without neighbour consultation. This is said to compare with the net volume of the present proposal of about 20 cubic m when the demolition of the conservatory is taken into account.
10. The appellant says that weight should be given to this *fallback* as a material consideration as it is shown that there is more than a theoretical chance of the work being undertaken. However, as the evidence put forward gives a significant range of potential building outcomes there is doubt in my mind that the schemes are advanced in anything more certain than as a bargaining tool. Further, there is no certificate of lawfulness before me and I am not clear that all of the requirements of Class A of Part 1 of Schedule 2 of the GPDO would be met by either of the volumes of building work mentioned above. This doubt limits the weight that I can give to this fallback position. Further, I see this submission as materially different to the detailed scheme presented to the Inspector in case APP/W/16/3143807 which has been submitted in evidence.

*Planning balance and whether very special circumstances apply*

11. Bringing together my findings on the main issues, I have found that the proposal would result in a disproportionate addition to this property in the

Green Belt and the further new building bulk, in addition to the extensions already built, would be harmful to the openness of the Green Belt. This would constitute inappropriate development and be contrary to the development plan policies and national guidance mentioned above. As such, substantial weight must be given to this harm to the Green Belt and inappropriate development should not be approved except in very special circumstances.

12. The fallback position of taking into account alternative development that the appellant may carry out which would be likely to have a greater effect on the openness of the Green Belt is can be a material consideration. However, doubt over the nature of such work and compliance with the GPDO regulations limit the weight that can be attached to it.
13. On balance, I find that the weight of this other consideration does not outweigh the general presumption when substantial weight is applied to the protection of the Green Belt and there are no other considerations which in total amount to very special circumstances.

### **Conclusions**

14. For the reasons given above I conclude that the appeal should be dismissed.

*David Murray*

INSPECTOR