
Appeal Decision

Site visit made on 20 December 2016

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 04 January 2017

Appeal Ref: APP/C3430/D/16/3157471

Straight Mile Cottage, Straight Mile, Calf Heath WV10 7DW

- 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 John Davies against the decision of South Staffordshire Council.
 - The application Ref 16/00482/FUL, dated 6 May 2016, was refused by notice dated 22 July 2016.
 - The development proposed is the removal of existing conservatory, proposed single storey rear extension and new sun lounge within garden.
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Decision

1. The appeal is dismissed.

Main Issue(s)

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - if the development would be inappropriate, whether the harm to the Green Belt by way 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 it.

Reasons

Inappropriate development

3. The site is within the Green Belt. Paragraph 89 of the Framework is clear that the construction of new buildings in the Green Belt is inappropriate. However, it adds that an exception to this is the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define what is disproportionate and instead it is for Council's to define what they consider to be disproportionate.
 4. Policy GB1 of the South Staffordshire Local Plan (the 'Local Plan') largely repeats the contents of the Framework and therefore I give significant weight to this policy. The policy refers to the Council's Green Belt and Open Countryside Supplementary Planning Document (SPD) which advises that
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extensions that result in an increase in the volume of a building over that of the original building by more than, at most, 40% will be deemed disproportionate and will impact upon the openness of the Green Belt.

5. The parties' calculations of the size of the original house, previous and proposed extensions are not dissimilar and it is not disputed between them that the proposed development would result in the house being extended by over 40%. As such, the proposal would result in the original dwelling being extended disproportionately. Also the sun lounge extension to the garage would add to this increase if considered part of the dwelling or alternatively, if considered separate from the house, would result in the garage building being extended by over 40%. Therefore both extensions would be inappropriate development which is, by definition, harmful to the Green Belt.
6. Paragraph 87 of the Framework says inappropriate development is, by definition, harmful to the Green Belt and shall not be approved except in very special circumstances. It is therefore necessary for me to consider whether any other harm would be caused by the proposal and then balance the other considerations against the totality of that harm.

Openness

7. Openness is an essential characteristic of the Green Belt as set out in paragraph 79 of the Framework. The proposed extensions to the house and garage would introduce built form into parts of the garden which are currently undeveloped. As such this would inevitably affect the spatial openness of the site. Furthermore, though there is a brick wall on the boundary, the extensions would both be visible above this wall in views of the property from the road. Therefore, although the extensions would not appear dominant in the street scene, they would have a visual impact on openness. These impacts on openness weigh against the development, and are in addition to the inappropriateness of the proposal in principle.

Other considerations

8. It is not disputed that the development has no significant impact on the living conditions of the occupiers of neighbouring properties. Also, the extensions would be constructed of matching materials. However these aspects would be expected of any extension and I give neutral weight to these considerations.
9. The appellant advises that the extension to the house would provide more suitable accommodation for the elderly occupiers. However the plans show that a significant part of the extension would enlarge the already sizeable lounge, whilst the part of the extension which would accommodate the en-suite bedroom would generally replace the existing conservatory. This suggests the conversion or replacement of the existing conservatory with a bedroom, with the addition of a small en-suite, would largely address the occupant's needs without any disproportionate increase in the size of the house. As such I am not persuaded that the extension is completely necessary in order to make the house more suitable for the elderly occupants, and hence I give limited weight to this matter.
10. I note the appellant states the sun lounge is not necessary and could be removed from the proposal, however I must determine the appeal on the basis of the plans before me. Notwithstanding this, even with that extension

removed from the scheme, the extension to the house alone would still fail to accord with Policy GB1.

11. I have been provided with few details of the proposed Freight Terminal referred to by the appellant so can give little consideration to this matter. In any case, that development does not alter the fact that the proposed extensions would be contrary to Policy GB1 of the Local Plan as set out above.

Planning Balance and Overall Conclusion

12. The Framework advises that the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. I consider that the development would cause harm to the Green Belt by way of inappropriateness and to its openness. Balanced against that are the other considerations identified above. For the reasons given, I conclude that they do not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal. As such, the development would conflict with Policy GB1 of the Local Plan and the SPD which both aim to protect the Green Belt from inappropriate development.
13. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR