
Appeal Decision

Site visit made on 22 February 2017

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/Q4625/W/16/3160049

1198 Warwick Road, Knowle, Solihull B93 9LL

- 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 Munish Rattu against the decision of Solihull Metropolitan Borough Council.
 - The application ref: PL/2016/01126/PPFL, dated 28 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is erection of double garage to front of plot.
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Decision

1. The appeal is dismissed.

Reasons

2. Although no. 1198 is within a ribbon of residential development along the south-west side of Warwick Road it is within the West Midlands Green Belt. Thus the **first main issue** in this appeal is whether or not the proposed garage would be inappropriate development in the Green Belt, for the purposes of development plan policy and the *National Planning Policy Framework*.
3. The **second main issue** is the effect of the garage on the character and appearance of the street scene. The **third main issue** is the effect it would have on living conditions at the neighbouring property, no. 1196A. If the appeal proposals are inappropriate development in the Green Belt then there is a **fourth main issue**. That is whether the harm arising from inappropriate development and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify the development.

Whether or not inappropriate development

4. The development plan is normally the starting point for assessing development proposals but Policy P17 (Countryside and Green Belt) of the Solihull Local Plan (LP) (2013) does not address in detail how proposals for development in the Green Belt should be assessed. It states that inappropriate development in the Green Belt will not be permitted except in very special circumstances, and sets out some provisions that will apply "in addition to the national policy" (in the *Framework*). Those provisions include, in effect, a requirement to consider whether the replacement, extension or alteration of buildings in the Green Belt would harm the purposes of including land within the Green Belt. They do not however alter the proviso included in paragraph 89 of the *Framework* that the
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extension or alteration of a building will not be inappropriate development provided it does not result in disproportionate additions over and above the size of the original building.

5. The Council's finding that the proposed garage would be inappropriate development in the Green Belt stems from its view that the detached garage cannot be treated as an extension to the main building at no. 1198. The appellant highlights a finding in another appeal decision¹ (cited in the Council officers' report) to support a contrary view. In that decision the Inspector found a garage in that case, at 10m or more from the front of the dwelling, "too far away to be considered as an extension". The appellant suggests that implies there is scope in some cases for a detached building such as a garage to be treated as an extension (in the context of assessing whether or not it would be inappropriate development in the Green Belt). On the basis that a garage closely associated with the dwelling it serves can be treated as a normal domestic adjunct, I agree with that interpretation.
6. In this case, bearing in mind the position of the front boundary wall and gates in situ at the time of my visit, the proposed garage would be, at most, 5m from the dwelling. As an ancillary domestic outbuilding in such a close relationship with the existing building I find it reasonable to assess the garage proposal on the basis that it would be an extension to the building.
7. The Council's Supplementary Planning Document 'House Extension Guidelines' (SPD) (2010) includes guidance for residential extensions in the Green Belt. It advises they should not exceed 40% of the original habitable floorspace measured externally, but it excludes dwellings in established ribbons of development (such as no. 1198) from that 40% restriction. However the SPD guidelines pre-date the development plan and are not part of it. Nor is there any reference in LP Policy P17 or its explanatory text either to the SPD or to applying such an approach. The proposed garage should therefore be assessed against that part of *Framework* paragraph 89, already noted above, which requires extensions or alterations to be considered in relation to the size of the 'original' building.
8. It was readily apparent at my visit that the current building on the appeal site is the result of recent works, and in the Council officers' report on this garage proposal that current building is variously described as a replacement house and a new house. However it is also apparent from the same report that the 2015 application for those recent works was treated by the Council as an application for extensions. The explanation given for doing so is that the proposals included retention of some walls of the dwelling as existing on the site at the time of that application. Thus planning permission was granted in 2015 for "side and rear extension and re-design of front elevation" and it is that development which is now more or less complete.
9. Consequently and logically, for the purposes of assessing the appeal proposal in relation to paragraph 89 of the *Framework*, the 'original building' must be the house in the form which existed before the 2015 planning permission was implemented. That house is illustrated on a plan included with the 2015 planning application which is entitled 'existing dwelling'². Comparing that 'existing dwelling' with the extended one now on the site (created pursuant to

¹ Appeal ref: APP/Q4625/D/15/3140888, decision dated 31 May 2016

² The 'existing' and 'proposed' plans forming part of the 2015 application have been provided by the Council

the 2015 permission), and even without the benefit of detailed calculations, there can be little doubt that the current building is substantially larger than the pre-existing 'original building' in terms of footprint, height and volume.

10. I therefore find that the further addition of a large³, pitched roof, detached double garage in very close proximity to the house would result in disproportionate additions over and above the size of the original building. Thus it follows that the garage would not accord with the third bullet point of *Framework* paragraph 89. It would therefore be inappropriate development in the Green Belt. Such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and appearance

11. As already noted, no. 1198 is within a ribbon of development and it sits alongside a relatively busy road, such that the character of the street scene is suburban rather than rural. Even so, the large plot sizes, deep and mainly open frontages and the trees, hedging and other garden planting on the great majority of those frontages are key characteristics which together create an attractive and relatively 'green' environment. This is acknowledged in the appellant's statement, in which it is noted there is existing vegetation "to most, if not all, of the properties".
12. In this context the combination of a substantial building mass, entirely hard-surfaced frontage and front boundary wall/railings/gates at no. 1198 already stands out as a stark contrast to the otherwise 'green' street scene. The proposed double garage would introduce another substantial mass of built form, only the lowest part of which would be screened by the front boundary wall and associated features. In such a prominent position in front of the house, the garage would detract from the street scene's established character. Moreover its size in combination with the area required for vehicle access and manoeuvring would greatly limit the scope for any new planting to soften its harmful visual impact.
13. In addition, due to the size and somewhat utilitarian design of the large detached garage in close proximity to the house, the visual relationship between the two buildings would not be a harmonious one. In this respect the proposal would differ significantly from the examples of dwellings with projecting front elements highlighted by the appellant, including at the neighbouring property no. 1196A. In those cases the projecting elements appear as integral parts of the buildings, thereby creating more harmonious compositions overall. They are also in settings where established greenery helps to reduce their prominence in the street scene.
14. Thus none of those examples alters my conclusion that the proposed garage would seriously harm the street scene's character and appearance, thereby conflicting with LP Policy 15 (Securing Design Quality). I find the harm the proposal would cause in this respect sufficient reason in itself to justify dismissing the appeal, irrespective of no. 1198's location in the Green Belt.

Living conditions

15. The principal concern in this respect is the impact the garage would have on light to and outlook from the front ground floor window at no. 1196A, which

³ Some 7m by 6m and with a ridge height of around 3.6m

faces north-east. However it is apparent from the street that this front window serves a room which also has a window to the rear, providing an alternative source of light and outlook. Taking account also of orientation of the properties and the boundary treatment between them, the proposed garage would not affect light to no. 1196A's ground floor room to any significant degree, but there would be some limited effect on outlook from it. However, on balance I conclude the garage would not materially harm the neighbouring occupiers' living conditions or materially conflict with LP Policy P14 (Amenity).

Other considerations, very special circumstances and conclusions

16. The appellant highlights the built-up character of development along Warwick Road, noting it is clearly not a countryside location and nor is it a 'typical' Green Belt area. I do not disagree, and in this location the garage would not conflict with any of the purposes of including land in Green Belts. In that respect it would not conflict with LP Policy P17 or the *Framework*. Nonetheless the appeal site is in the Green Belt and thus the proposal's impact on openness must also be considered. Irrespective of any impact in terms of character, the proposed garage would reduce openness to some degree because of its physical size and presence. This is a factor which weighs against the proposal.
17. The appellant suggests that if the garage was physically linked to the house there would be no argument with the Council on the issue of inappropriateness and there would be little tangible difference between such a proposal and a detached garage as proposed. It will be apparent from my reasoning on the first main issue that I cannot agree on these points. In any event it does not follow that an attached garage would automatically be satisfactory in terms of design quality and character, and nor is that the proposal before me. Thus I give negligible weight to such points as considerations in the proposal's favour.
18. The need for a garage to provide safe and secure parking is also part of the appellant's case. However, as it would seem to have been the appellant's choice either to remodel the pre-existing house without including any integral garage provision or, alternatively, to take on the extended property without any such provision in place, I give no weight to that consideration. The lack of any material harm in terms of neighbouring occupiers' living conditions is a neutral consideration.
19. In summary therefore, although the garage proposal would not conflict with the purposes of including land in Green Belts, it would cause harm by being inappropriate development and would also harm the Green Belt's openness and the character and appearance of the street scene. The *Framework* establishes that substantial weight should be given to any harm to the Green Belt. I conclude that none of the considerations put forward in favour of the proposal are sufficient to clearly outweigh the harm it would cause and therefore the very special circumstances necessary to justify the development do not exist. The proposal would conflict with the development plan and with the *Framework* and thus I conclude the appeal must fail.

Jane Miles

INSPECTOR