

Appeal Decision

Site visit made on 16 May 2016

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/P1805/D/17/3173420

12 Doctors Hill, Bournheath B61 9JE

- 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 Julian Ward against the decision of Bromsgrove District Council.
 - The application Ref 16/0959, dated 6 October 2016, was refused by notice dated 16 January 2017.
 - The development proposed is erection of separate garage and extension to kitchen to provide garden room.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council determined the application, the Bromsgrove District Plan 2011-2030 has been adopted (25 January 2017) (DP). As such I gave both the Council and the Appellant an opportunity to comment on whether this had any implications for the appeal. I have taken the responses received into account within my decision.
3. On this basis the Council has confirmed that the DP supersedes the Bromsgrove District Local Plan (2004) including Policies DS2, DS13 and S11 referred to in the Council's reasons for refusal. It also supersedes the Extensions to Dwellings in the Green Belt Supplementary Planning Guidance SPG7 (2004). Accordingly I do not refer to these policies or SPG7 within my decision and determine the appeal on the basis of the recently adopted development plan.
4. The Appellant is dissatisfied with the Council's handling of the planning application; particularly in relation to what is suggested as its inconsistent approach to decision-making. However it is not within my remit to consider this matter and I am determining the appeal solely on the planning merits of the case.

Main Issues

5. As the appeal site is within the Green Belt the main issues are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
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- If it is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

6. Section 9 of the National Planning Policy Framework (the Framework) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. It goes on to state that inappropriate development is by definition harmful and should not be approved except in very special circumstances. Except for a small number of exceptions set out under paragraphs 89 and 90, development within the Green Belt should be regarded as inappropriate.
7. Paragraph 89 of the Framework refers to the construction of new buildings within the Green Belt. I note that the list of exceptions does not specifically refer to garages. Even so, case law confirms that a garage is capable of potentially being regarded as an extension to a building under certain circumstances. In this instance, the garage would be used for ancillary purposes and due to its close proximity to the host dwelling and siting within the plot, I consider that it would constitute an extension to the property. As such I determine the overall development on this basis.
8. DP Policy BDP4 states that extensions to existing dwellings within the Green Belt will be permitted, up to a maximum 40% increase compared to the size of the original dwelling or results in the total floorspace of the property being a maximum of 140m².
9. I note that the Framework does not specify how a 'disproportionate addition over and above the size of the original building' should be assessed. Nevertheless, the use of floorspace and proportions is useful in assessing the size of an extension, when considered alongside other factors including the overall scale and mass of development.
10. The original dwelling has previously been extended. Based on the evidence that is before me this includes a large two storey side extension with integral garage and a first floor en-suite. The Appellant disputes the measurements provided by the Council. However even using the Appellant's dimensions, the previously extended property, including the integral garage, has resulted in a total floorspace of 166.35m² which is significantly larger than the original dwelling which measured 61.57m².
11. Whilst I note that the Council found this previous level of additional development to be acceptable, I am mindful that this was determined under a different policy framework. This therefore has no bearing on my consideration of the current proposal, as I must determine the appeal based on its individual merits and in accordance with current planning policies.
12. The Council suggests that the extension to the kitchen would add 10.85m² of floorspace. No figure has been provided for the garage, but from the plans I can see that it would be considerably larger than the proposed kitchen extension. Whilst no proposed total measurements are before me it is clear

that the development would be substantially above the maximum 140m² or 40% increase permitted by local policy.

13. Therefore when combined with the size of the previous extensions, I consider the scale of the proposal would result in a dwelling that would be substantially larger than the original building. This would result in disproportionate additions to the original building which would constitute inappropriate development in the Green Belt. This would conflict with DP Policy BDP4 and the Framework. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I regard this harm as substantial.
14. The Appellant has suggested that the proposal could represent limited infilling in a village as referred to in paragraph 89 of the Framework. However if extensions to a property constituted 'infilling', it seems to me that there would be no need to have separate provisions within paragraph 89 of the Framework. I therefore do not agree that the development proposed comprises 'infilling'.

Openness of the Green Belt

15. Openness is an essential characteristic of the Green Belt. Whilst the vegetation cover along the site boundary would restrict some views of the development from the street and surrounding area, the scale of the proposal, particularly in terms of the considerable width that the garage would add to the front elevation, would still be visually prominent when accessing the site from the highway. Furthermore, in spatial terms, the proposal would result in the considerable encroachment of built form into currently open parts of the garden, which would inevitably reduce openness.
16. Consequently the development would not preserve the openness of the Green Belt which would result in material harm. I find this harm would be significant.

Other considerations

17. In relation to other considerations highlighted by the Appellant, I note that the site is within a 'Village Envelope' in which the Council has previously allowed development. Nevertheless this was under different planning policies. I am also mindful that, in relation to the Green Belt, the Framework makes no distinction between development being within or outside settlement boundaries and that recently adopted DP Policy BDP4 reflects this approach. Consequently the site's location within the 'Village Envelope' carries little weight.
18. Whilst the adjacent property has a similar garage, this and any other development within the area would not set a precedent as each case must be considered on its own individual merits. My attention has also been drawn to planning permission given in 2002 for the development of a much larger garden room than the proposed kitchen extension within the site. This was not implemented. As it was determined under a different policy framework it carries no weight.
19. Whilst I note the garage would be lower in height than the main dwelling and there were no objections to the proposal from neighbours, these matters do not justify allowing harmful development.

Planning Balance

20. I have found that the development would be inappropriate and would not preserve the openness of the Green Belt which carries substantial weight in accordance with paragraph 88 of the Framework. In terms of other considerations, even taken together these have little weight.
21. I therefore conclude that the harm by reason of inappropriateness and the effect on openness would not be clearly outweighed and therefore very special circumstances do not exist to justify inappropriate development in the Green Belt. The development is therefore contrary to the relevant provisions of the Framework and the development plan as a whole.

Conclusion

22. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR