

Appeal Decision

Site visit made on 22 May 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 27 June 2017

Appeal Ref: APP/V4630/D/17/3173812

Kendon Lea, Daniels Lane, Aldridge, Walsall WS9 0RR

- 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 Mrs Markham against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 16/1872, dated 12 December 2016, was refused by notice dated 16 March 2017.
 - The development proposed is extensions and alterations to dwelling to include raising roof, insertion of dormer windows and extension to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference is made in the Council's Decision Notice to policy GB2 of the emerging Walsall Site Allocations Document. This has only recently been submitted for examination, however, and, while noting the Council's comment that there have been no representations received against policy GB2, there can be no certainty that the cited policy will remain unchanged during the examination process. As such, in line with paragraph 216 of the National Planning Policy Framework (the Framework), I give this document little weight and have determined the appeal on the basis of the adopted development plan.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and
 - If the development is inappropriate, whether the harm, 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.

Reasons

Whether inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special
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circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. A number of exceptions are set out in paragraph 89 of the Framework, which is a significant material consideration. Of these, that allowing for the extension of a building providing that it does not result in disproportionate additions over and above the size of the original building, is most relevant to the appeal proposal. This approach is reflected in policy ENV2 of the Walsall Unitary Development Plan (UDP), to which I afford full weight.

5. The 'original building' is defined by the Framework as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally. It is common ground that the appeal dwelling was constructed in 1947 and has been extended since it was originally constructed. It is also common ground that these extensions comprise, at least, conservatories to the rear and side.
6. In addition, the Council has supplied historic evidence from 1955, namely a plan for a proposal for a substantial additional wing to extend the dwelling. Whether this wing was constructed in strict accordance with the 1955 plan is largely moot. The plan clearly demonstrates that the original dwelling was considerably smaller than it is today. At some point after 1955 it had a sizeable additional wing added. This appears to be reflected by photographic evidence showing the differentiation in brick colour between that of the original building and those used in the construction of the later wing.
7. On the basis of all that I have read and seen, it would appear that the dwelling has been extended well beyond the addition of the two conservatories highlighted by the appellant. Thus, the comparison in assessing disproportionality will be between the building as first built and the building as proposed to be extended, together with those extensions constructed since the building was first built.
8. Neither the adopted development plan nor the Framework provide any detailed guidance on how to determine whether an extension is 'disproportionate'. This is, therefore, ultimately a matter for the decision maker, with much being dependent upon circumstance. A conclusion cannot be derived purely from a function of arithmetic, or from consideration of a single factor, but the test is primarily an objective one based on size, as referenced by the Framework.
9. The Council estimates that the original dwelling had a footprint of c.104 square metres with a volume of around 392 cubic metres. The appellant has passed no comment upon them and, when considered in relation to the various other calculations supplied by the parties, they do not seem unreasonable. Taking into account the subsequent extensions and the appeal proposal, the Council judges that the footprint of the proposed dwelling would increase to 190 square metres, with a volume of 861 cubic metres. It is agreed that the ridge height would rise slightly from 6.3 metres to 6.8 metres, while the eaves height would remain at 2.5 metres. On the basis of the Council's calculations this would give a volumetric increase of c.120%, with an increase in footprint of c.83%.
10. These are very substantial increases in both size and volume. It cannot reasonably be considered on any view that the appeal scheme would not result in a disproportionate addition over and above the size of the original building. Even if the post-1955 addition is smaller than that indicated in the plans, it is evident that it would not be by much and, as such, would not make a material difference.

11. The extension to the original dwelling was constructed many years ago and would appear to have formed part of the dwelling for a considerable period of time. Nonetheless, the test in the Framework is clear as to how one defines the 'original building' and, thus, the longevity of the extension's existence does not weigh in favour of the appeal proposal.
12. I conclude, therefore, that the appeal proposal would be inappropriate development in the Green Belt. It would fail to accord with UDP policy ENV2 and with paragraph 89 of the Framework, the requirements of which are set out above.

Openness and Character & Appearance

13. In the context of extensions to existing dwellings the development plan policies cited by the Council make no reference to maintaining the openness of the Green Belt. Nor does the Council's decision notice. Nonetheless, the matter is referenced in the planning officer's report. In addition, the Framework is clear that one of the essential characteristics of Green Belts is their openness.
14. In short, insofar as openness can be defined as an absence of development, such a substantial and disproportionate increase in the size of the appeal dwelling could not fail to have an adverse impact upon openness.
15. Turning to character and appearance, the appeal site already contains a number of buildings, including the appeal dwelling itself plus outbuildings and sheds. These are situated close together and form a relatively close knit development. In addition, there is the imposing presence of the large multi-storey school next door, which provides a substantial developed backdrop to much of the appeal site. Views of the dwelling are very limited, with it being seen only in passing, through the gated access, and glimpsed at points on Daniels Lane, through or over the hedges, chiefly when travelling west. In this context, the proposed extension would have a negligible effect on the character and appearance of the area.
16. I conclude, therefore, that the appeal proposal would detract from the openness of the Green Belt. Although this would conflict with national policy for Green Belts, articulated in paragraph 79 of the Framework, I find no conflict with the cited development plan policies in this regard.
17. The proposal would not have an adverse impact upon the character and appearance of the area. It would not conflict with UDP policy ENV32, which seeks to ensure that new development is of a high quality design, appropriate appearance and accords with the character of the area. Nor would it conflict with the guidance set out in section DW3 of the Designing Walsall Supplementary Planning Guidance document, which seeks to ensure that all new development is designed to respect and enhance local identity.

Other Considerations

18. It may be that the appeal scheme would enhance the appearance of the dwelling. Nonetheless, there is no reason to consider that this could not be achieved by other means.
19. My attention was drawn to a nearby extension, which was approved by the Council in 2011. This resulted in an increase in the size of the dwelling by a

considerably smaller degree than would be the case here. As such, it cannot be regarded as a comparable example.

Conclusion

20. The appeal proposal would be inappropriate development in the Green Belt and, thus, harmful to it. As required by paragraph 88 of the Framework, I must give this harm substantial weight in my decision. In addition, the proposal would harm the openness of the Green Belt.
21. I have considered the matters cited in support of the proposal but I conclude that taken together they do not clearly outweigh the harm that the scheme would cause. Consequently, I do not consider that the very special circumstances exist that are necessary to justify inappropriate development in the Green Belt.
22. Thus, for the above reasons, and taking all other matters into consideration, I conclude that the appeal proposal would conflict with the development plan, and with national planning policy, when taken as a whole and the appeal must, therefore, be dismissed.

Richard Schofield

INSPECTOR