



Appeal Decision

Site visit made on 17 December 2018

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2019

Appeal Ref: APP/H1840/D/18/3213848

Manor Cottage, Elmbridge Green Road, Elmbridge WR9 0NH

- 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 David Fowler against the decision of Wychavon District Council.
 - The application Ref 18/01471/HP, dated 20 July 2018, was refused by notice dated 12 September 2018.
 - The development proposed is described as re-submission application of previous application 17/02563/HP for the extensions and alterations to Manor Cottage to provide annex accommodation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the West Midlands Green Belt. Accordingly the main issues in this case 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;
 - the effect of the proposal upon the character and appearance of the host property and surrounding area; and
 - if the proposal would be 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 it.

Whether Inappropriate Development

3. The appeal property is a detached brick built dwelling derived from 2 former cottages which have been amalgamated into one. The property has been extended to the side with a double garage which is linked to the dwelling, and there is a conservatory extension to the rear.
4. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a number of exceptions to this, as set out in paragraph 145 of the Framework, including the extension or alteration of a building provided that it does not result in disproportionate

additions over and above the size of the original building. Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) states that the West Midlands Green Belt will be maintained and development proposed within the Green Belt will be considered in accordance with national policy as set out in the Framework.

5. The appellant claims that the 'original building' is the detached property as it is today, with the conservatory and linked garage extension. It is submitted that the property has been a single dwelling since at least 2005 and that the extensions to it pre-date this. It is further submitted that an Inspector in considering a previous appeal¹ on the site for a similar garage conversion, but larger extension agreed with this point. My reading of this appeal decision indicates that whilst agreeing that the detached property was the 'original building', this was in its un-extended form. Paragraph 12 of the Appeal Decision is quite clear that the garage and link extension and the conservatory did not form part of the 'original building'. On the basis of the evidence before me, and in the absence of substantive evidence to demonstrate otherwise, I concur with the Inspector in this regard.
6. Whilst I acknowledge that the proposed extension has been reduced in size and height from that previously considered, I am of the view that the increase in floor area and height of this part of the dwelling, would, when taken with the existing extensions to it engulf the 'original building'. The proposal would amount to a disproportionate addition over and above the size of the original building. As such it would result in inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

7. Paragraph 133 of the Framework establishes that openness is an essential characteristic of Green Belts. In that the proposal would increase the footprint of Manor Cottage and would increase its mass, openness would be reduced. Whilst such a reduction would be limited and localised, harm to the Green Belt would be caused.

Character and Appearance

8. The appeal property is an attractive brick and tiled arts and crafts style property set back from Elmbridge Lane. The proposed extension, whilst utilising a similar roof design to the host property and reclaimed bricks and ornamental tiles would, as a result of its design result in an overly bulky addition, the harm of which would be exacerbated by the window arrangement on the front and side elevation, which would be significantly at odds with the fenestration on the host property. Further harm would be caused by the extensive flat roof to the rear. The proposal would appear as an incongruous addition to this dwelling, which would be particularly apparent from the adjoining highway and the gated road to the south. The presence of existing landscaping, whilst filtering views of the dwelling from certain points, does not mitigate this harm.
9. In light of the foregoing I conclude that the proposal would be harmful to the host property and as a consequence the contribution this makes to the

¹ Ref APP/H1840/D/18/3196115

attractive rural qualities of the area would be significantly reduced. Harm to the character and appearance of the area would also result. This would be in conflict with SWDP Policies SWDP 2 and SWDP 21 which collectively require development to safeguard and (wherever possible) enhance the open countryside; and be of a high design quality which integrates effectively with its surroundings, and reinforces local distinctiveness.

10. The Council has referred to SWDP Policy SWDP 25 in its refusal reason. Whilst I note that my colleague found that the previous proposal on the site conflicted with this policy, I find that the proposal before me would not adversely impact on the trees, hedgerows, or dispersed settlement pattern that are features of the Principal Timbered Farmlands Landscape type. Accordingly there would be no conflict with this policy which requires development, among other matters, to be appropriate to, and integrate with, the character of the landscape setting.

Other Considerations

11. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
12. I have noted the appellants' reasons for requiring the extension to allow his daughter and her family to live nearby so that care can be provided in future years whilst allowing sufficient space for her family to grow. Whilst personal circumstances are a material consideration, they carry limited weight. The development would continue to exist long after the personal circumstances have ceased to be relevant.
13. I also note that the existing property is not a listed building and that the appellant could alter the design of the property's windows. However, I have considered the proposal against the evidence before me and the observations I made on my visit. This matter carries limited weight.
14. It has been put to me that the property could be extended under permitted development. I have no detailed drawings before me to make a comparison with in this regard and accordingly this limits the weight that I can give this matter in my overall Decision.

Conclusion

15. The new extension would be inappropriate development in the Green Belt and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. Further harm would be caused to the character and appearance of the host property and area in general for the reasons set out above. At most I give limited weight to the material considerations cited in support of the proposal and conclude that, taken together, they do not outweigh the harm the proposed development would cause to the Green Belt and the character and appearance of the area. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal would therefore conflict with the Green Belt aims of Policy SWDP 2 of the SWDP.
16. The Council has referred to paragraphs 136 and 139 of the Framework in its decision notice which relate to Green Belt boundaries. The proposal does not

seek to alter such boundaries and these paragraphs are not relevant to my consideration of the appeal proposal.

17. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR