



Appeal Decisions

Site visit made on 19 February 2019

by Michael Wood RIBA

an Inspector appointed by the Secretary of State

Decision date: 19th August 2019

Appeal Ref: APP/C3430/W/18/3212095

Highcroft, Holyhead Road, Albrighton, Wolverhampton WV7 3AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent of a planning permission.
 - The appeal is made by Mr R Gill against the decision of South Staffordshire District Council.
 - The application Ref 18/00166/FUL, dated 21 February 2018, was refused by notice dated 20 August 2018.
 - The development proposed is the demolition of an existing two storey garage/workshop, demolition of an existing single storey garden room and replacement with a 3 bed detached dormer bungalow.
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Decision

- 1 The appeal is allowed and planning permission is granted for demolition of an existing two storey garage/workshop, demolition of an existing single storey garden room and replacement with a 3 bed detached dormer bungalow at Highcroft, Holyhead Road, Albrighton, Wolverhampton WV7 3AN in accordance with the terms of the application, Ref 18/00166/FUL, dated 21 February 2018, subject to the conditions contained in the attached Schedule.

Main Issue

- 2 Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework of 2019 (the Framework) and any relevant development plan policies together with the effect of the development on the openness of the Green Belt.

Reasons

- 3 The appeal is in respect of the replacement of two buildings which the Council describe as ancillary in the Appellants existing garden. These would be demolished and replaced with a new house. The Appellant's existing house fronts a busy main road and is one of a number in a row within the Green Belt. The gardens to these houses adjoin a wooded area which is interspersed with a variety of small buildings in both residential and commercial use. The appeal relates to the replacement of two buildings in a garden with a new house which would be located on the footprint of the larger of the two buildings to be demolished. The Council have refused permission on the basis that the development would be in the Green Belt and would be inappropriate.
- 4 The Appellant's house has an existing front drive and also a separate

gated drive for the replacement house alongside the rear boundary which comes off an existing road access. This access also serves other properties within the wooded area. Between the two buildings to be demolished there is a connecting hardstanding and a mown lawn. The existing buildings are described in the officer's report and accepted by the Council as ancillary buildings being a garage and garden room. As such they are in the same use as the Appellants house.

- 5 Measurements provided in the officer's report indicate that the footprints of the garage and the garden building have ground floor areas of approximately 71sqm and 31sqm respectively. This gives a total of 102sqm. Measurements for the proposed new dwelling indicate that the ground floor footprint is approximately 66sqm. The garage has a ridge height of 5.8m and the proposed new dwelling would have a ridge height of 6.2m. Measurements for the eaves have not been given by the Council but the Appellant has provided figures for the volumes. The combined volume of the existing buildings being stated as 457sqm and the volume of the proposed dwelling is stated as 440sqm. The Council has not disputed these measurements. The effect on the Green Belt of the new building and of the buildings it would replace, measured in terms of the volume, would be similar.
- 6 Policy GB1 of the Core Strategy Development Plan Document of 2012 (the Core Strategy) indicates that development would be acceptable within the terms set out in the Framework and would be permitted where it is a replacement of an existing building and not materially larger than the building it replaces.
- 7 South Staffordshire's Green Belt and Open Countryside Supplementary Planning Document of 2014 (the SPD) refers to the protection of the Green Belt. The third purpose described is the most relevant of the 5 purposes. Its purpose is to assist in safeguarding the countryside from encroachment. In policy GB1 of the Core Strategy, there is an exception allowing for replacement buildings where the replacement would not be inappropriate development leading to encroachment or any harm to the openness of the Green Belt. In paragraph 3.1 of the SPD it is stipulated that, within the Green Belt, provided the development is in the same use it is acceptable.
- 8 The Council refer to paragraph 145 of the Framework which they say makes the proposal inappropriate and yet the paragraph sets out exceptions which include at (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. I have observed on my site visit that the proposed building would not appear notably larger than the bulk of the existing footprint building and that the combined impact of the removal of both buildings would create a small increase in the openness of the Green Belt in terms of volume.
- 9 I consider that the replacement house would not be inappropriate and would be acceptable in accordance with paragraphs 145 of the Framework and policy GB1 of the Core Strategy and that it would not have any adverse effect on the openness of the Green Belt.

Conditions

- 10 The conditions reflect those suggested by the Council which have been amended in the interests of clarity and precision.
Condition 1) is necessary for the avoidance of doubt
Condition 2) and Condition 4) are necessary to ensure that the development is undertaken in accordance with the approved plans.
Condition 3) is to maintain a satisfactory appearance.
Condition 5) is for wildlife protection.
Condition 6) is for neighbouring amenity.
Condition 7) is to ensure that there is a satisfactory means of drainage.
Condition 8) is to ensure structural stability and protect trees.

Conclusion

- 11 The appeal is therefore allowed.

Michael Wood

Inspector

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
- 2) The development shall be carried out in accordance with the approved drawings:
18 04 03 – Proposed Plans
18 04 05 – Proposed Site Plan
18 04 04 - Photo Montage
18 04 01 – Survey.
- 3) No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority (the LPA). Development shall be carried out in accordance with the approved details and maintained thereafter.
- 4) The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.
- 5) The development shall be carried out in accordance with the Proposed Mitigation and Licensing section of the letter detailing bat emergence surveys and licence requirements (Wharton Natural Infrastructure Consultants, 30 June 2018).

- 6) Any proposals for external lighting shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved lighting.
- 7) The development hereby permitted should not be occupied until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the LPA, and the scheme implemented in accordance with the approved details. Should any services pass through the root protection areas of any adjacent trees, further information will be required to be submitted to the LPA in the form of additional impact assessment before approval is given and the work implemented.
- 8) The western gable end wall and any other wall and floors that fall within the root protection area of any adjacent trees shall be constructed using a pile and beam foundation so as to minimise the impact of excavation on the tree roots and the health of the trees generally.