



Appeal Decision

Site visit made on 20 August 2019

by Sarah Colebourne MA, MRTPI

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

Decision date: 2nd September 2019

Appeal Ref: APP/P1805/D/19/3231899

55 Halesowen Road, Lydiate Ash, Worcestershire, B61 0QL

- 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 and Mrs Rai against the decision of Bromsgrove District Council.
 - The application Ref 19/00003/FUL, dated 2 January 2019, was refused by notice dated 2 April 2019.
 - The development proposed is described as 'Infill extension to rear of property at ground floor with full width second storey extension above. Porch roof extended on front elevation. Garage converted to Kitchen/Breakfast/Dining Room with extension above at first floor level. New window on south elevation first floor for new en-suite. General internal rearrangements.'
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension, single storey rear extension and porch canopy at 55 Halesowen Road, Lydiate Ash, Worcestershire, B61 0QL in accordance with the terms of the application, Ref 19/00003/FUL, dated 2 January 2019, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16-138-PL-14, 16-138-PL-15.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I have noted the concerns of a neighbouring resident regarding the description of the development. It is clear from the plans and my site visit that the development includes a two storey side extension, a single storey rear extension and a porch canopy. Given the proposed siting of the extensions, it is also clear that the existing garage has been demolished. I have therefore assessed the proposal on this basis and have amended the description of the development in my formal decision to reflect this.
3. At the site visit, I saw that the construction of the proposed extension had commenced and that the shell was close to completion. The site was fenced off

and I was unable to view the development from within the site. I therefore viewed it from the garden of the adjoining property with the occupier's permission. From there I was able to measure the depth of the previous, existing rear extension which corresponds with the measurements shown on the submitted plans. I am satisfied that I was able to see all that I needed to and that the interests of the parties have not been prejudiced.

4. It is clear from the measurement taken at my site visit and from comparison of the plans that the scale of 1:150 shown on the existing layout and elevations of the submitted plans is incorrect and that it should be 1:100 as per the submitted proposed plans. I have determined the appeal on this basis.

Reasons

5. The appeal site comprises a modern semi-detached dwelling in a row of similar dwellings located on a slip road off Halesowen Road within the Green Belt. The main issue in this case is whether the proposed development would amount to inappropriate development in the Green Belt and if it is inappropriate development, its effect on the openness of the Green Belt and 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.
6. The National Planning Policy Framework (the Framework) says that the extension or alteration of a building is not inappropriate development provided that it does not result in a disproportionate addition over and above the size of the original building. The Council's development plan policy BDP4 in the Bromsgrove District Plan considers that extensions up to a maximum of 40% increase of the original dwelling or up to a maximum total floor space of 140m² ('original' dwelling plus extension(s)) are not inappropriate. However, as the Framework refers to 'size' rather than floorspace, I have also taken into account the volume of the proposed extension.
7. The differences between the parties' measurements for the original building would appear to be due to the exclusion of the garage in the appellants' figures. The Council has referred to the plans for a previously refused extension which show the garage as part of the original building. Furthermore, it seems likely to me that a dwelling of this age would have been built with a garage and the Council's figure is therefore the most appropriate.
8. With regard to the proposed floorspace, on the basis of the plans submitted for this proposal, the appellants' figure appears to be accurate and it is unclear to me why the Council has submitted a higher figure.
9. The plans show that previous extensions include a rear extension to the living area, a utility area behind the garage and a passage linking the garage to the house. The appellants appear to have omitted the utility and passage from their figures and therefore the Council's figure for previous extensions is the most accurate.
10. Regarding the proposed demolition, the plans indicate that the existing garage, utility and passage would be demolished and on the basis of the appellants' plans the appellants' figure for demolition is the most appropriate. It is unclear to me why the Council has reached a higher figure for this.

11. In the Council's total added floorspace figure, it appears to have double counted the utility and passage. If those are deducted from the previous extensions figure and the remaining previous rear extension to the living area (13 sq m) is added, the appellant's figure for total added floorspace is the more accurate.
12. In addition to the floorspace figures referred to above, I have also taken into account the volume of the proposed extension based on the submitted plans. Therefore, I have based my decision on the following figures:

	Floorspace (sq m)	Volume (cubic m)
Original	109	340
Previous extensions	28	82
Proposed extension	56	165
Demolition proposed	32	79
Total extensions added (Previous extensions – Demolition proposed) + Remaining previous extension	37 (56-32 = 24) + 13	123 (165-79 = 86) + 37
% increase	34	36

13. Consequently the percentage increase proposed, taking into account the proposed demolition and the remaining extension, amounts to 34% of the original floorspace and 36% of the original volume. This is clearly less than the 40% increase referred to policy BDP4. When taken together, the sum total of the remaining existing and proposed extensions would not be disproportionate to the original building.

Conditions

14. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is necessary in the interests of the character and appearance of the dwelling and the area.

Conclusion

15. The proposed extension would not amount to inappropriate development. The Council raised no objection to the proposal other than this matter and from what I have seen it would be acceptable in all other regards. There is therefore no need to consider the effect on the openness of the Green Belt or whether or not there are any very special circumstances. It accords with the development plan and with the Framework. There are no material considerations that indicate otherwise and the appeal should be allowed.

Sarah Colebourne

Inspector