



Appeal Decision

Site visit made on 16 September 2020

by Beverley Wilders BA (Hons) PgDurt MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/P1805/D/20/3255227

Gaunts Cottage, Sandhills Green, Barnt Green B48 7BT

- 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 G Delaney against the decision of Bromsgrove District Council.
 - The application Ref 20/00425/FUL, dated 5 April 2020, was refused by notice dated 26 May 2020.
 - The development proposed is described as "erection of an oak framed garden room to side elevation in position of previously approved lawful development approved garden room".
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Decision

1. The appeal is allowed and planning permission is granted for erection of an oak framed garden room to side elevation at Gaunts Cottage, Sandhills Green, Barnt Green B48 7BT in accordance with the terms of the application, Ref, 20/00425/FUL dated 5 April 2020, subject to the conditions set out below.
 - 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 submitted plans: site location plan, B48 HPP-EX1, block/site plan and B48 HPP-PR1.
 - 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.

Procedural Matter

2. The description of development used in the heading above has been taken from the application form. However, in allowing the appeal I have altered the description slightly to remove reference to the previously approved development as this is unnecessary and its removal aids clarity.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

- the effect of the proposal on the openness of the Green Belt; and
- if the proposal 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 proposal.

Reasons

Whether the proposal would be inappropriate development

4. The appeal site comprises a detached dwelling located at the end of a short row of residential properties located in the Green Belt. Policy BDP4 of the Bromsgrove District Plan 2011-2030 adopted January 2017 (BDP) relates to the Green Belt and states, amongst other things, that the development of new buildings in the Green Belt is inappropriate development except in the circumstances listed. This includes extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increase up to a maximum total floor space of 140m² (original dwelling plus extension(s)) provided that the scale of development has no adverse impact on the openness of the Green Belt. The requirements of the policy are consistent with paragraph 145 of the Framework which states that extensions or alterations to a building in the Green Belt should not result in disproportionate additions over and above the size of the original building.
5. The appellant acknowledges that the dwelling has had previous extensions which when combined with the proposed extension would result in a percentage increase that would be contrary to Policy BDP4. The Council assesses that existing extensions to the dwelling amount to a 73% increase in floorspace and that the proposal would further increase the percentage increase to approximately 90%. The appellant has not disputed these figures.
6. BDP Policy BDP4 sets out the amount of development that the Council considers to be disproportionate in the Green Belt. Having regard to the overall scale of the extension proposed and to the scale and amount of previous extensions to the dwelling, the proposal is for a disproportionate addition and is inappropriate development in the Green Belt. It is therefore contrary to relevant paragraphs of the Framework and to Policy BDP4 of the BDP.

Openness

7. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open.
8. The appeal site comprises the extended dwelling together with a large garden area. The dwelling is set back from the road and a front boundary hedge and other landscaping provides some screening of the dwelling when viewed from the road. In this context, the proposal would have a very modest impact on the visual aspect of openness. However, as a disproportionate addition which would result in additional built development on the site, it would inevitably lead to a loss of openness having regard to its spatial dimension. I therefore conclude that the proposal would lead to moderate harm to the openness of the Green Belt.

Other considerations

9. Although the appellant acknowledges that the proposal is contrary to the amount of extensions permitted by Policy BDP4, my attention has been drawn to a certificate of lawful development relating to a garden room issued by the Council in February 2020 (Ref 20/00120/CPL). I have been provided with a copy of the certificate and of the plans accompanying it and I have had regard to these in reaching my decision.
10. I note that the proposed garden room would be sited in a very similar position to the proposed extension albeit detached from the dwelling by a gap of 20cm; that it would have a slightly larger footprint; would be positioned closer to the road and would have a solid pitched roof as opposed to a part hipped and part glazed roof as is the case with the extension. Having regard to the scale, position and design of the garden room, I consider that it would be of a slightly larger scale and would have a bulkier appearance than the proposed extension, primarily resulting from its additional length and solid roof construction. I therefore conclude that the garden room would be more harmful than the proposed extension notwithstanding that it is a separate building detached slightly from the dwelling. The proposed gap of 20cm is so small so as to be barely discernible unless very close to the dwelling meaning that the garden room would essentially be seen as an extension rather than an outbuilding.
11. The lawfulness of the garden room has been confirmed by the certificate and I can see no reason to doubt that the garden room development might take place at some point in the future. Consequently, I attach significant weight to the fallback position of a garden room as a material consideration which, for the reasons stated, would be more harmful than the proposal.

Green Belt balance

12. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
13. The proposal is inappropriate development and it would lead to moderate harm to the openness of the Green Belt.
14. I attach significant weight to the fallback position of the proposed garden room which I consider would be more harmful to the Green Belt than the proposal. I therefore find that the other considerations in this case clearly outweigh the harm that I have identified. Consequently, and looking at the case as a whole, I consider that very special circumstances exist which justify the proposal.

Conditions

15. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring the extension to be constructed from materials to match the existing dwelling in order to protect the visual amenity of the area. I have not imposed the suggested condition regarding the removal of certain permitted development rights as I do not consider that such a condition is justified having regard to the scale and nature of the proposal and

to paragraph 53 of the Framework which states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. No such justification has been provided by the Council

Conclusion

16. Although the proposal is contrary to the development plan, in this case the material consideration of the fallback position justifies a decision not in accordance with the development plan.
17. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR