



Appeal Decision

Site Visit made on 6 July 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2021

Appeal Ref: APP/P1805/D/21/3273370

Rosewood House, Manor Road, Upper Bentley B97 5TB

- 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 Jingtao Li against the decision of Bromsgrove District Council.
 - The application Ref 20/01642/FUL, dated 23 December 2020, was refused by notice dated 2 March 2021.
 - The development proposed is single storey oak framed extensions to the rear following demolition of existing swimming pool outbuilding.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. At the time of my site visit, the swimming pool outbuilding referred to in the description of development had already been demolished, with only the foundations and the swimming pool remaining. Therefore, I have assessed the proposal on this basis.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

5. The main issues are:
 - i. whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies, including its effect on openness; and

- ii. whether any 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 required to justify the proposal.

Reasons for the Recommendation

Whether inappropriate development

6. Framework Paragraph 149 sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, other than where they meet one of the exceptions listed in paragraphs 149 or 150. These include 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 BDP4 of the Bromsgrove District Plan 2011-2030 (BDP) (adopted 2017) follows the same general approach as the Framework and as such is consistent with it. However, it gives more detail in respect of residential extensions, setting out that a maximum increase of 40% of the original dwelling or maximum total floorspace of up to 140 square metres (sqm) is not considered disproportionate.
7. It is evident that the original building has already been significantly extended by more than 40% of its original floor area and has a floor area of more than 140sqm. The proposal would be a further significant addition. I therefore concur with the main parties that the proposal would be a disproportionate addition to the original building having regard to Policy BDP4.
8. The proposed extensions would be located to the rear of the dwelling and would be single storey. Nevertheless, they would increase the footprint of the dwelling by a significant amount, introducing new built form into the Green Belt. As a result, the proposal would harmfully erode the openness of the Green Belt in spatial terms.
9. The proposed extensions would not be easily visible from the road or other public viewpoints. Nevertheless, due to their scale they would have some, albeit limited, adverse impact on the visual openness of the Green Belt when seen from within the site.
10. The swimming pool outbuilding was demolished prior to the determination of this appeal; therefore, it is no longer possible or reasonable to balance or offset its demolition against the amount of development now proposed. The benefits to the openness of the Green Belt from its removal have already been achieved and are therefore not dependent on the outcome of this appeal.
11. Therefore, the proposed development would harm the openness of the Green Belt in both spatial and visual terms and would be a disproportionate addition to the original building. Consequently, it would not fall within any of the exceptions in the BDP or the Framework. It would therefore be inappropriate development in the Green Belt.
12. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It sets out 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.

Other considerations

13. The Council has issued a notice confirming that prior approval would not be required to construct a single storey rear extension as permitted development (PD). Therefore, I consider that there is a real prospect of this development being implemented if the appeal were dismissed.
14. The submitted plans show the PD extension would occupy the area to the east of the existing rear porch and would be a similar height to the appeal proposal. As they would be in the same position, the PD extension could not be built if the proposed extension was built. However, the appeal proposal would amount to more than double the footprint of the PD extension, and as such would result in significantly more built development than the fallback scheme. Given the difference in size, the fallback position would be significantly less harmful to the openness of the Green Belt in both spatial and visual terms than the appeal proposal. Accordingly, the fallback carries limited weight in favour of the proposal.
15. Whilst the appellant would be willing to accept a condition restricting further PD rights, it has not been demonstrated that other development could be constructed under PD that would result in greater harm to the Green Belt than the appeal proposal. In any event, if the appeal were allowed subject to such a condition, the removal of PD rights would not take effect until permission was implemented. There is no compelling evidence before me that preventing other extensions in future would address the harm to openness identified above. Therefore, such a condition would not be effective in mitigating the impact of the proposal and consequently, would not be reasonable or necessary.

Conclusion and Recommendation

16. The proposed development would cause harm to the Green Belt by reason of inappropriateness and the reduction in the openness of the Green Belt and, having regard to the Framework, I attach substantial weight to those harms. For the reasons set out above the other considerations of the scheme carry limited weight and on balance do not, either individually or cumulatively, clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
17. Having regard to the above, the identified conflict with the development plan and have had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR