

Appeal Decision

Site Visit made on 31 August 2021 by G Sibley MPLAN MRTPI

Decision by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2021

Appeal Ref: APP/P1805/D/21/3274146

31 High House Drive, Lickey, Birmingham B45 8ET

- 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 Mark Abel and Elizabeth Shaw against the decision of Bromsgrove District Council.
 - The application Ref 20/01539/FUL, dated 2 December 2020, was refused by notice dated 19 February 2021.
 - The development proposed is two storey extension, raised terrace, balcony and demolition of lean-to on elevation fronting the road.
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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 Matter

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments received have been addressed in this decision.

Main Issues

4. 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 any effects on openness;
 - ii. The effect of the proposal upon the character and appearance of the dwelling and the street scene; and
 - iii. If the development is inappropriate, whether the 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

Inappropriate development

5. The Framework establishes that new buildings within the Green Belt are inappropriate development subject to a number of exceptions (paragraph 149). This includes the exception in paragraph 149 c) for the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework notes that the original building is a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
6. Policy BDP4.4 of the Bromsgrove District Plan 2011-2030 (BDP) (adopted 2017) identifies similar exceptions to the Framework, however in terms of extensions to dwellings, criterion c) varies slightly from paragraph 149 insofar as it sets a maximum percentage increase (40%) of the original dwellings floorspace or up to a maximum of 140 square metres, provided that this scale of development has no adverse impact on the openness of the Green Belt. The supporting text explains that extensions above these thresholds will be disproportionate additions and inappropriate development.
7. The BDP was adopted following the publication of the 2012 version of the Framework, however the wording of paragraph 149 c) of the 2021 version has not changed from that of bullet point 3 of paragraph 89 of the 2012 version. The supporting text to Policy BDP4 explains that it adds a greater level of detail than what is provided in the Framework, which is a reasonable approach as there is no definition of 'disproportionate' in the Framework. The Framework does not include an assessment of openness in relation to extensions, however it does identify openness as one of the Green Belt's essential characteristics. Thus, I regard the Policy remains generally consistent with the Framework.
8. No 31 is a two-storey detached dwelling which has been built perpendicular to the road. As a result, the dwelling is narrower than the other dwellings along High House Drive that have been built with their main elevation addressing the road. The site and the surrounding area is washed over by the Green Belt and it is agreed by both parties that the original building has already been extensively extended, albeit that there is some disagreement over the exact amount the dwelling has been extended by. Notwithstanding this, it is common ground that the proposed extensions combined with the existing extensions would lead to an increase of the original dwelling's floorspace by at least 100%. Furthermore, the proposal would introduce a two-storey extension to the dwelling that would be built in line with the road which would significantly increase the bulk of the dwelling when viewed from the roadside. Consequently, the proposed extension, combined with the existing extensions, would increase the floorspace beyond what is allowed by Policy BDP4 and would amount to a disproportionate addition to the size of the original dwelling.
9. Whilst High House Drive is a private road comprising a ribbon form of development, the dwelling is clearly visible from it. It is not a particularly visually prominent location given the surrounding pattern of development. Nevertheless, due to the scale of the proposed extensions, the proposal would have some adverse impact on the visual openness of the Green Belt.
10. The conservatory and garage, as shown on the existing site plan, have been demolished and as a result, the proposal would introduce new built form at

both ground and first floor level and would, in effect, double the width of the dwelling when viewed from the roadside. As a result, the proposal would harmfully erode the openness of the Green Belt in spatial terms.

11. Consequently, the proposal would adversely affect both the visual and spatial openness of the Green Belt. As such, it would be inappropriate development in the Green Belt contrary to BPD Policy BDP4 and para 149 of the Framework.
12. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must 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 resulting from the proposal, is clearly outweighed by other considerations.

Character and appearance

13. The dwellings within the street scene vary in terms of scale and appearance, although one generally consistent characteristic is that their main elevations address the road. No 31 appears out of context within the street scene given that it was built perpendicular to the road with its main elevation facing the flank wall of the neighbouring dwelling. Given the orientation of the dwelling, the main elevation is not prominent within the street scene and the flank wall of the dwelling is the elevation that is most prominent within the street scene. Whilst the main elevation is attractive, the building is not listed, nor is the site located within a Conservation Area that would require the building to be retained as is.
14. As there is no overriding character to the area that the dwelling currently adheres to, the reorientation of the dwelling to address the road would be more coherent with the general pattern of development within the street scene. Whilst the extension would significantly alter the appearance of the dwelling, given that there is no consistent character to the dwellings locally, the complete redesign of the dwelling as well as the more uncommon features, like the cat slide roof, would not cause harm to the character and appearance of the street scene.
15. Consequently, whilst the proposal would significantly alter the appearance of the dwelling, the reorientation of the dwelling would better adhere to the pattern of development within the street scene. Therefore, the proposal would not comply with advice contained within the High Quality Design Supplementary Planning Document (2019) (SPD) given that the proposed extension would completely redesign the dwelling, but as noted above, in this instance, that would be acceptable.

Other considerations

16. Planning permission was granted for the demolition of the existing garage and conservatory and construction of two, single-storey extensions on either flank wall of the house. Given that planning permission was granted and because the conservatory and garage have been demolished, the permission appears to have been implemented. Consequently, I consider that there is a real prospect of this development being implemented if the appeal were dismissed. Furthermore, the appellant has provided a signed Unilateral Undertaking which

would prevent the remainder of the works under the extant permission from being continued were permission granted for the appeal scheme.

17. Nevertheless, the approved extensions were around 55 square metres in total and the proposal before me would have a floor space of around 59 square metres. As such, from a floor space perspective the two schemes would be a similar size. Further to this, the approved extensions were both single storey and would have been built to the front and rear, whereas the proposal would be a two-storey extension which would extend into an area that is currently open and free from development and contributes to the openness of the Green Belt in this location. Because the proposed extension would have a similar footprint to the approved scheme, the proposal would not result in a reduction in the amount of built form in the Green Belt and thus there would be no betterment gained from the proposal. Given the siting and scale of the proposed scheme compared to the fall-back scheme, the proposal would be more harmful to the openness of the Green Belt. As such, I cannot attribute weight in favour of the development from the fall-back scheme.
18. Whilst the dwelling could be extended, and outbuildings constructed using the permitted development rights these would be smaller in scale than the proposed two storey extension and would be spread out over the site. Accordingly, those schemes would have a less harmful effect upon the openness of the Green Belt compared to the proposal.
19. Whilst the proposal would not cause harm to the character and appearance of the street scene, this would be an expectation for any development and would not amount to a benefit to the proposal. As such, I do not attribute any weight in favour of the development from this.

Conclusion and Recommendation

20. The proposed development would cause harm to the Green Belt by reason of inappropriateness and the reduction in the openness, contrary to BDP Policy BDP4 as well as paragraph 149 of 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.
21. Having regard to the above, the identified conflict with the development plan and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

22. 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.

H Nicholls

INSPECTOR