



Appeal Decision

Site visit made on 23 August 2021 by B Phillips BSc MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2021

Appeal Ref: APP/P1805/D/21/3274352

Tall Chimneys, 49 Brookhouse Road, Barnt Green, Birmingham B45 8JR

- 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 Roger Springett against the decision of Bromsgrove District Council.
 - The application Ref 21/00092/FUL, dated 19 January 2021, was refused by notice dated 16 March 2021.
 - The development proposed is an extension at first floor level (over existing garage).
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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. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication.

Main Issue

4. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - The effect of the proposed development on the character and appearance of the existing property and Barnt Green Conservation Area (CA); and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

5. Policy BDP4 of the Bromsgrove District Plan 2011-2030 (2017) (DP) requires the Green Belt to be protected from inappropriate development. Paragraph 149 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within the list of exceptions set out in this paragraph. Part c) of this paragraph lists as one such exception 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.
6. Criterion 4c) of DP Policy BDP4 sets out that an extension will not result in disproportionate additions where it results in up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m², provided that this scale of development has no adverse impact on the openness of the Green Belt.
7. There is no disagreement between the parties that the property has previously been substantially extended and that the existing and proposed extensions would result in an increase in the floorspace of the original property of 94%, and a total overall floor area of 201.4sqm. Therefore, the appeal proposal, would comprise a disproportionate addition over and above the size of the original building.
8. While it would not be visible from views from directly to the front of the property and Brookhouse Road, the proposed extension would be clearly visible from the driveway at the side. It would add considerable bulk to the property, and would noticeably change the appearance of the dwelling from this viewpoint. Consequently, it would reduce the openness of the Green Belt in both visual and spatial terms.
9. Therefore, the proposal would be inappropriate development in the Green Belt, contrary to DP Policy BDP4.4. Paragraph 147 of the Framework states that inappropriate development is harmful by definition and should not be approved except in very special circumstances.

Character and Appearance

10. The CA derives significance from its architectural and historic interest and the well-crafted, architect design houses set in spacious, leafy plots, with various ancillary buildings including lodges. The appeal site is in the Shepley Area, which is characterised by lower density sporadic development of well-crafted three-storey palatial dwellings.
11. The appeal property is an early 20th century former lodge house to Brook House, a large Arts and Crafts house, and sits alongside the private access to the larger property. It comprises half timbering over brickwork with distinctive, decorative chimneys and prominent roof gables and bay windows. A previous single storey extension relates in scale and design to the original modest lodge, however a 1960's flat-roofed garage is unsympathetic to, and detracts from,

the character and appearance of the dwelling. Given its historic and architectural interest and despite the garage being of little architectural merit, I agree with the appellant and Council that the appeal dwelling is a non-designated heritage asset (NDHA). For the above reasons it also makes a positive contribution to the character and appearance of the CA.

12. Whilst it would not extend the existing footprint of the property, the proposed first floor extension would significantly increase the bulk and massing of the roof, further increased by the gable features proposed either side. The proposed extension would not be easily visible from the public realm but would be clearly visible from the access, from where it would substantially and harmfully alter the proportions of the former lodge. It would visually compete with the existing dwelling and detract from appreciation of its original modest character and form.
13. The proposal would obscure part of the decorative chimney which contributes positively to the appearance of the NDHA. The Juliet balcony and part-hipped roof to the rear would introduce incongruous features which would detract from the historic character and appearance of the host property. While the appellant suggests they would be happy to alter these, I must consider the scheme before me.
14. The proposal would improve the appearance of the garage by altering the materials and windows, however it would be substantially larger than that existing low-key and unobtrusive structure. Therefore, overall, the proposal would harm the character and appearance of the NDHA, resulting in moderate harm to its significance. As a result, it would erode the contribution of the host dwelling to the CA, resulting in less than substantial harm to the significance of the CA as a whole.
15. DP Policy BDP 20.14 requires a balanced judgement to be applied when considering applications that affect heritage assets, having regard to the scale of any harm or loss as a result of the proposed development and the significance of the asset. Framework paragraph 203 sets out a similar requirement in respect of non-designated heritage assets, while paragraph 202 requires harm to designated heritage assets to be weighed against the public benefits.
16. The proposal would create a 3-bedroom dwelling which could be occupied by a family. However, although the appellant contends such properties are needed in the area there is no substantive evidence before me of an unmet need to which this would contribute. Therefore, I give very limited weight to this as a public benefit, and it does not outweigh the harm to the significance of the NDHA. Nor does it outweigh the harm to the CA which, having regard to the Framework, is a matter of considerable weight and importance.
17. The proposed development would therefore detract from the character and appearance of the existing property and the CA. Consequently, it would conflict with DP Policies BDP.19 and BDP.20, which collectively seek to ensure development enhances the character and distinctiveness of the local area and preserve or enhance the character and appearance of the CA. It would also conflict with the heritage policies of the Framework.

Other Considerations

18. The appellant points out that no harm to the occupiers of neighbouring properties would be caused and that there was no local objection, however these are neutral factors which do not weigh in favour of the proposal.
19. I appreciate that the appellant sought pre-application advice from the Council as encouraged by the Framework, and is disappointed by the outcome. However, that advice was given without prejudice and seemingly for a scheme different to what is before me, which I have considered on its own merits.
20. The Council has indicated that a pitched roof over the existing flat-roofed garage might be acceptable, which the appellant suggests would be only slightly lower than the ridge of the appeal scheme. However, the proposal before me also incorporates large gables and several windows in the roof and as such is materially different to the alternative roof pitch drawing proposed. Furthermore, there is no evidence before me that such a scheme has been formally pursued or permitted, therefore I give it minimal weight as a possible alternative.

Whether Very Special Circumstances Exist

21. The proposal would amount to inappropriate development in the Green Belt and further harm through loss of openness, an essential characteristic of the Green Belt. The Framework makes it clear that any harm to the Green Belt should be given substantial weight. Additional harm would be caused to the character and appearance of the existing property and the CA. These matters carry considerable weight. The other considerations cited in support of the proposal carry very limited weight and do not clearly outweigh the harm to the Green Belt and other harm. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

22. The proposal would conflict with the development plan when read as a whole. There are no material considerations, including the benefits of the proposal and the Framework, that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should not succeed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

L McKay

INSPECTOR