



Appeal Decision

Site visit made on 6 December 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/Q4625/D/21/3282780

47 Albert Road, Millisons Wood, Solihull CV5 9AS

- 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 Donna McCloskey against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/02591/MINFHO, dated 4 November 2020, was refused by notice dated 11 August 2021.
 - The development proposed is described as a two storey extension to the side of the property including ground and first floor alterations.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application is retrospective as the proposed works have already been carried out.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2021 (Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and
 - whether any harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. The Framework is explicit that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. One such exception comprises the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

5. Policy P17 of the Solihull Local Plan (2013) (Local Plan) confirms that the Council will adhere to national policy in terms of development proposals in the Green Belt. The Council's House Extension Guidelines (2010) (Extensions SPD) further conforms to the general thrust of national Green Belt policy, and supports the limited extension or alteration of existing dwellings where this would be proportionate to the size of the original property.
6. Whilst the Framework itself does not specify what would constitute "disproportionate additions", the Extensions SPD says that any extension which exceeds 40% of the original habitable floorspace of the dwelling would be disproportionate, and would therefore be inappropriate development. The guidance is explicit that it is applicable to properties on the end of ribbons of development.
7. The appeal dwelling is located at the end of Albert Road within the Green Belt, and occupies the final plot at the end of an established ribbon of residential properties. As such, the threshold limits for alterations and extensions set out in the SPD are applicable to the development in this instance.
8. The appeal dwelling has previously been extended, and it is understood that the combined size of these previous extensions has already reached the 40% threshold set out in the Extensions SPD. As a result, whilst the development is a relatively modest addition to the dwelling, it introduces additional floorspace across two storeys of the dwelling which now breaches the 40% upper limit. As per the Extensions SPD, the development therefore amounts to a disproportionate addition to the original dwelling.
9. For these reasons, the development would be inappropriate development in the Green Belt, which is, by definition, harmful. It therefore conflicts with Policy P17 of the Local Plan, the Extensions SPD and the associated policies of the Framework.

Openness

10. Both the southern side and the rear of the appeal dwelling face out over open countryside/woodland. This means that the openness of the Green Belt is clearly evident around the property and within its immediate vicinity. As per the Framework, openness is an essential Green Belt characteristic, which has both spatial and visual aspects.
11. The development incorporates a two-storey extension to the side of the appeal property. Whilst much of the extension does square off a corner of the property, it nonetheless extends out from the original side elevation by approximately 1.2m, thereby encroaching into the garden space that wraps around the side of the dwelling.
12. Notwithstanding the appeal dwelling's location at the end of Albert Road, the driveway to its front sits adjacent to a public footpath which leads out towards the open countryside from the road. Even accounting for the relatively tall boundary treatments which screen much of the dwelling's side, the development therefore remains visible from public view, particularly given its two-storey nature.
13. The development increases the footprint, volume and mass of the existing dwelling. As well as encroaching spatially on the openness of the Green Belt, the development also results in visual harm to its openness, given the clear

visibility of the appeal property from nearby public rights of way. Whilst the modest scale of the extension means that the harm attributed to this loss of openness is limited, it nonetheless still weighs against the development.

Other considerations

14. The extension has been completed to a high standard using appropriate and consistent materials, and therefore integrates properly with the original dwelling. However, this is a neutral factor, neither weighing for nor against the development. Whilst I accept the development does enhance the space and living conditions of the occupiers of the dwelling, this is a private benefit, and can therefore only be attributed limited weight in this decision. As such, neither of these factors, when alone or together, would outweigh the harm arising by reason of inappropriate development in the Green Belt, nor the harm arising from the consequent loss of openness.

Conclusion

15. In summary, the development is a disproportionate addition to the original dwelling, and in accordance with the provisions of the Framework, therefore amounts to inappropriate development. This inappropriate development results in a harmful loss of openness to the Green Belt, which must be attributed substantial weight. There are no other considerations that would outweigh this harm and therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

James Blackwell

INSPECTOR