

Appeal Decision

Site visit made on 24 January 2022 by A J Sutton BA (Hons) DipTP MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2022

Appeal Ref: APP/P1805/D/21/3284572

Highbrow Rowney Green Lane, Rowney Green, Alvechurch, Birmingham, B47 7QP

- 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 Carl Oakley against the decision of Bromsgrove District Council.
 - The application Ref 21/00302/FUL, dated 19 February 2021, was refused by notice dated 21 July 2021.
 - The development is described as proposed new detached double 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 Matter

3. The Government issued a revised National Planning Policy Framework (the Framework) on the date of the Council's decision. However, although subject to paragraph number changes, the issues most relevant to the appeal remain unaffected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions on this matter, and that no party would be disadvantaged by such a course of action.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - the effect of the proposal on the character and appearance of the area; and
 - 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

Whether Inappropriate Development

5. The Framework sets out that construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. Policy BDP4 of the Bromsgrove District Plan (District Plan) predates but is generally consistent with Green Belt policies of the Framework. It sets out exceptions which are similar to those in the Framework but provide more detail in some respects. Neither the District Plan nor the Framework include any exception for a domestic outbuilding other than for a replacement building, which is not what is proposed here. However, the proposal can still be considered against the other exceptions.
6. Framework paragraph 149 e) allows limited infill in villages. District Plan Policy BDP4.4f) restricts limited infill to proposal that comply with Policy BDP9 Rural Exception Sites. The proposal for a domestic garage would therefore not satisfy this requirement and would not fall within this exception.
7. Framework paragraph 149 c) allows for the extension and alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The term 'disproportionate additions' is not defined in the Framework. However, Policy BDP4.4d) of the District Plan provides further interpretation and allows extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² where this scale of development has no adverse impact on the openness of the Green Belt.
8. The courts have found that an existing detached domestic outbuilding could be regarded as part of the dwelling. On this basis a proposed new outbuilding can, potentially, be regarded as an extension to a dwelling, in some circumstances. This proposal would be a short distance from the front elevation of the dwelling, and as a garage, it would function as a normal domestic adjunct to the original building. Consequently, in this case the proposed outbuilding can be regarded as an extension to the existing dwelling.
9. The dwelling has planning permission for a rear extension and small, attached garage. The latter has not been built however there seems to be nothing to prevent it being constructed in the future. Notwithstanding this, the approved extensions to the original building are small both in footprint and volume. There is no compelling evidence before me that the cumulative size of any previous extensions, the approved extensions and the proposed garage would result in an increase of more than 40% of the size of the original dwelling or result in it being larger than 140sqm. The proposal would therefore be consistent with Policy BDP4 in this respect and would not be a disproportionate addition over and above the size of the original building.
10. The appeal property is centrally located in the settlement and whilst it is surrounded by development its plot has a spacious character with the dwelling set well back from the road. The sizeable, detached garage would cover a significant portion of the front garden space. In doing so, although set near the side boundary it would both visually and spatially diminish the openness of the site and this part of the village.

11. Therefore, the proposal would result in a loss of openness to the Green Belt. Whilst the effect would be very limited and localised, harm to the openness of the Green Belt would still occur. The Framework states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and this harm is therefore a matter to which I attach substantial weight.
12. Given my findings in respect to openness, the proposal would fail to satisfy the requirements in policy BDP4.4d). Accordingly, it would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and Appearance

13. The appearance of the appeal property is typical of late 20th Century domestic architecture. However, its modest form with space to the front, bound by a mature hedge contributes positively to the appearance of the village. The settlement is characterised by detached dwellings of varied architectural style. There is no uniformity in terms of materials, building line, or size of property but most properties have space to the front with any garages forming an integral part of the dwelling or to the side of the property.
14. The proposed double garage would be a substantial structure close to the front gable of the dwelling and would cover a significant area at the front of the property. Whilst the foundations would be set down into the ground a small amount, the orientation of the proposed building would result in an expanse of wall and roof plane being clearly visible from the street. The existing boundary hedge is set lower and therefore even if allowed to grow to 1.6m high as the appellant suggests, it would not adequately screen the proposed garage. Due to its siting and scale, it would appear as an unduly dominant and prominent feature at the core of the village. The harmful effect would be localised to the local area; however, it would significantly and harmfully erode the space to the front of the plot, at odds with the spacious pattern of development in the area.
15. The permissions for outbuildings cited in the appellant's statement, with the exception of Orchard Cottage, were granted prior to the adoption of the current development plan when the policy context was different to that relevant to this appeal. Orchard Cottage and properties shown in the images and location plan submitted are different in respect of their character and plot form to the appeal property, being two storey dwellings with different plot sizes. They are therefore not comparable with this proposal. Moreover, these examples have not altered the character of the area around the appeal site sufficiently to warrant granting permission for development that would harm the character and appearance of the area.
16. In light of the above, I find the proposal would have a harmful effect on the character and appearance of the area. It would in this respect conflict with policy BDP19 of the District Plan and policy H4 of the Alvechurch Neighbourhood Plan (Neighbourhood Plan) which, amongst other matters, collectively require that development enhances the character and distinctiveness of the local area; and provide support for well-designed proposals that are in keeping with their surroundings.
17. The proposal would be inconsistent with guidance of the High Quality Design SPD which advises that outbuildings set forward of the principal elevation will

not usually be appropriate as it may harm the character of the street scene, and the Alvechurch Parish Design Statement which encourages spaciousness within development in Rowney Green. It would also be contrary to policies of the Framework which seek well-designed places.

18. The appellant has drawn my attention to policy H2 of the Neighbourhood Plan however this relates to new housing developments for Hopwood and Rowney Green and has not therefore been determinative in this appeal.

Other Considerations

19. Very special circumstances to justify inappropriate development 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.
20. Permitted development rights are subject to limitations and conditions and would not allow for development forward of the principal elevation of the dwelling. Therefore, although other development could be undertaken within the Green Belt under these rights without consideration of the impact on openness, it would be materially different from the proposal before me and not directly comparable. Accordingly, I attach limited weight to this matter.
21. The approved garage would also protrude forward of the dwelling. However, its narrow form would be attached to the dwelling and it would not substantially encroach into the space at the front of the property. It would therefore have less impact on the openness of this part of the plot and Green Belt than this proposal. For this reason, the matter has limited weight in this appeal.
22. The local support is noted however this alone would not justify harmful development in the village. This factor therefore does not weigh in favour of this proposal. Local and national planning policies expect high quality design for all development, and that proposals should not result in harm to neighbours' living conditions. Therefore, the absence of harm in this respect is a neutral factor in this case.

Whether Very Special Circumstances Exist

23. The proposal would be inappropriate development in the Green Belt, would lead to a loss of openness and would harm the character and appearance of the area. These are matters to which I give substantial weight and which are not clearly outweighed by the other considerations in this case. As a result, the very special circumstances that are necessary to justify the development do not exist. The proposal therefore would conflict with policy BDP4 of the District Plan and the Green Belt policies of the Framework.

Conclusion and Recommendation

24. There are no material considerations 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 be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

25. 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