



Appeal Decision

Site visit made on 1 February 2022 by G Sibley MPLAN MRTPI

Decision by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2022

Appeal Ref: APP/C4615/D/21/3287598

20 Smithy Lane, Pensnett DY5 4UB

- 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 & Mrs Adam & Ruby Jones against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1572, dated 17 August 2021, was refused by notice dated 1 November 2021.
 - The development proposed is two storey front extension forming new porch and en-suite.
-

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.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies
 - the effect on the openness of the Green Belt
 - the effect of the proposal upon the character and appearance of the dwelling and the street scene
 - 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

4. 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.
5. Policy S23 of the Dudley Borough Development Strategy (DS) (adopted 2017) states that national Green Belt policy will be applied.
 6. The Council has identified that the original building had a floorspace of around 78 square metres (sqm) and that the dwelling was granted planning permission in 1972 (DB/72/10095) for the 'modernisation of existing dwelling'. The Council has stated that the floor area of the modernised building is around 180 sqm and the proposal would add approximately 13 sqm of additional floorspace to the dwelling, although the appellant states that the extension would add around 9 sqm in additional floorspace. The Council has calculated that the extensions to the original dwelling with the proposed extension would result in an increase in the original dwellings floor space by around 148%.
 7. Regardless of whether the appellant's or the Council's figures for the extension are used, the floorspace of the extended dwelling is already significantly greater than the original dwelling and the proposal would be a minor addition to this. Given that the original property was a narrow dwelling, and the approved extension has more than doubled the width of the dwelling over two storeys, I conclude that the extension combined with the previously approved extension would result in disproportionate additions over and above the size of the original building.
 8. Notwithstanding this, the appellant states that when the development approved in 1972 was undertaken that the works would have required the building to effectively be demolished and rebuilt. Thus, the building that was built in 1972 would now be the 'original building'. The officer's report for the 1972 permission stated that 'the present proposal is for the retention of the existing dwelling as shown'. Further to this the officer's report stated that the 'brickwork of the extension would be carried round the existing building as an outer shell, and the whole re-roofed'. Consequently, the Officer's report clearly set out that the planning permission permitted an extension to the dwelling which did not include the demolition and rebuild of the original property.
 9. Furthermore, planning permission was granted for the 'modernisation' of the existing building. The Oxford dictionary definition of modernisation is 'the process of making a system, methods, etc. more modern and more suitable for use at the present time.' A straightforward reading of this would be that whilst this may not exclude demolition it does not implicitly imply that it would require the complete demolition of the house. Additionally, the appellant has not provided the Building Regulations Compliance Certificate or any other substantive evidence to confirm that the implementation of the 1972 permission involved the complete demolition of the building. Consequently, planning permission was not granted for the demolition and rebuild of the dwelling and there is no substantive evidence that the dwelling was effectively demolished when implementing the 1972 permission.
 10. Therefore, based on the evidence before me, the original building had a floorspace of around 78 sqm and the proposal, combined with the already approved extension would result in disproportionate additions over and above the size of the original building. Accordingly, the proposal would be

inappropriate development in the Green Belt contrary to Policy S23 as well as paragraph 149 c) of the Framework.

Openness

11. The proposed extension would bring the front elevation of the extension in line with the front elevation of the original dwelling. The siting of the extension would ensure that it would be enclosed or hidden from view by the existing dwelling. The insertion of a bow window would add very limited additional built form but again would be enclosed by the existing dwelling and the extension as a whole would not have an adverse impact on the visual openness of the Green Belt.
12. Nevertheless, the proposal would introduce new built form where there currently is none which would include an additional front facing gable and a small bow window. As a result, the proposal would harmfully erode the openness of the Green Belt in spatial terms.
13. Consequently, whilst the proposal would not adversely affect the visual openness of the Green Belt, it would adversely affect the spatial openness of the Green Belt.

Character and appearance

14. The proposed two storey projecting front gable would be narrower and shorter than the adjacent gable. The roof slopes on each gable would be shorter on the inside slope where the two would connect. As a result, the roof slopes on each gable would appear asymmetric which would create an uneven appearance that would unbalance each gable. The form of the gable would result in the windows and doors across both gables appearing off-centre within each gable which would further unbalance the appearance of the proposal. Overall, this would give the impression that the gable has been designed to be shoehorned into the available space between the original dwelling and the converted garage. The scale of the extension would be subordinate with the host dwelling and the materials would be similar which would be appropriate. Nevertheless, the form of the extension would unbalance the dwelling and would fail to reflect the proportions of the dwelling.
15. The garage is internal and as a result the proposed conversion of this room and insertion of a bow window on the ground floor of the house would not appear unusual and given the scale and siting of the bow window, it would respect the scale and appearance of the house.
16. Given the variation in the appearance of the dwellings locally, the principle of adding a second gable to the dwelling would not appear out of character or disrupt any sense of rhythm within the street scene. Nevertheless, for the reasons stated, the incongruous form of the proposed gable extension would harm the appearance of the street scene.
17. In summary, the proposal as a whole would harm the character and appearance of the dwelling and the street scene. Consequently, it would be contrary to Policy ENV2 of the Black Country Core Strategy (adopted 2011) as well as Policies S6 and L1 of the DS. These policies expect development proposals to preserve and, where appropriate, enhance local character. Additionally, the proposal would not accord with the advice in the Planning Guidance Note No.17 House Extension Design Guide insofar as it states that

extensions should relate to the character of the original house in terms of scale, materials and design details. Furthermore, the proposal would conflict with the general design policies contained within the Framework.

Other considerations

18. 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.
19. As concluded above the 1972 permission did not constitute a demolition and rebuild and as a result, this would not amount to a consideration that would weigh in favour of the proposal.
20. The proposal would add additional accommodation and improve the utility value of the dwelling but given the scale of the development, I attribute very limited weight to this consideration.

Conclusion and Recommendation

21. The proposed development would cause harm to the Green Belt by reason of inappropriateness and the reduction in the openness of the Green Belt. I attach substantial weight to those harms. Furthermore, the proposal would harm the character and appearance of the dwelling and the street scene. In addition, conflict would arise with Policy S23 of the DS as well as paragraph 149 of the Framework. For the reasons set out above, the other considerations of the scheme carry very limited weight and 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.
22. 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

23. 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.

Caroline Mulloy

INSPECTOR