

# Appeal Decision

Site visit made on 3 May 2022 by G Sibley MPLAN MRTPI

## Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

---

### Appeal Ref: APP/C3430/D/21/3289764

#### The Farmhouse, Smestow Road, Smestow DY3 4PJ

- 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 Blake Hughes against the decision of South Staffordshire District Council.
  - The application Ref 21/01086/FUL, dated 7 October 2021, was refused by notice dated 22 December 2021.
  - The development proposed is described as 'Construction of a second storey side extension to create a home gym, study and sewing room. The extension would match the eaves and ridge height of the main dwelling with a rear gable matching the height of the existing rear gables. Materials would be matched to the existing dwelling. The extension would be set back 0.9m from the existing front elevation and measure 7.5m in length and 4.6m in width.'
- 

## 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 of the proposal 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**

### *Whether inappropriate development*

4. The Framework establishes that new buildings within the Green Belt are inappropriate development subject to a number of exceptions. 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.
5. Policy GB1 of the Core Strategy Development Plan Document (CS) (adopted 2012) has a similar exception to that set out at paragraph 149 c) and is supported by the Green Belt and Open Countryside Supplementary Planning Document (SPD) (adopted 2014) which provides further guidance. The SPD sets out, in relation to extensions to dwellings, that a range of 20% to 40% increase in floor area over the original floor area may not be disproportionate, but that each development is to be considered on its individual merits.
6. Based on the planning history for the site, the existing two-storey rear outrigger and single storey side extension were recent additions. Several outbuildings have also been erected around the dwelling. Consequently, the dwelling is already much deeper than the original building was. The Council has identified that the proposed extension alongside the existing additions would increase the floor area associated with the original building by around 91%, which would be significantly greater than the 20% to 40% guidance set out in the SPD. The appellant does not dispute this figure.
7. The Framework refers to size in terms of whether an extension would be disproportionate. Size takes into consideration matters like volume and external dimensions as well as the consideration of floorspace.
8. The proposal, along with the existing side extension would increase the width of the original building by around a third over two storeys. This would significantly increase the visual bulk of the building, creating a larger and more imposing dwelling when viewed from the roadside. Moreover, the existing additions have already significantly increased the depth of the building over two storeys. As a result, the proposal, alongside the existing additions, would result in disproportionate additions over and above the size of the original building.
9. Accordingly, the proposal would be inappropriate development in the Green Belt having regard to CS Policy GB1 and the SPD.

### *The effect of the proposal on openness*

10. The proposal would introduce a first floor over the existing side extension which would increase the visual scale of the dwelling when viewed from the road. Because the side extension is single storey there are currently views above it to the open countryside to the rear. The proposed second storey addition would block these views from the roadside, which would harmfully erode the visual openness of the Green Belt around the dwelling.
11. The first-floor extension would introduce new built form into the Green Belt where there currently is none at this level. Accordingly, the proposal would harmfully erode the spatial openness of the Green Belt.

12. Given the scale of the proposal it would have a limited harmful effect upon both the visual and spatial openness of the Green Belt, but nevertheless would have a greater impact on openness than the existing situation.

*Character and appearance*

13. The first-floor side extension would be set back from the front elevation and would be less than half the width of the existing dwelling. Even with the continuous ridgeline proposed, this would create a visual separation between it and the host dwelling. The dwelling has been extensively added to but most of these extensions are to the rear of the dwelling and given the scale of the proposal, visually it would be a limited addition to the dwelling when viewed as a whole. Due to its design, siting, scale and use of matching materials, it would appear subservient to the host dwelling and would not harm its character or appearance.
14. The dwelling is located within the open countryside and is well screened from other dwellings. It is located close to the roadside and the first-floor extension would be seen from wider public viewpoints. However, the proposal would be sensitively designed and would not introduce irregular built form into the street scene. Consequently, the proposal would not harm the character and appearance of the street scene.
15. Accordingly, the proposal would not conflict with CS Policy EQ11 which states that the design of all developments must be of the highest quality. Moreover, the proposal would accord with the South Staffordshire Design Guide Supplementary Planning Document (SPD2) (adopted 2018). This identifies that and that in terms of scale, volume massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.

*Other considerations*

16. 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.
17. A Certificate of Lawfulness was issued by the Council for a single storey outbuilding to the south of the dwelling (Ref: 21/00747/LUP). The appellant states that the erection of this building would require a row of trees to be removed. The floor space of the outbuilding would be larger than the proposed extension and it would be built on undeveloped land within the Green Belt. The smaller extension now proposed would therefore have a less harmful effect upon the spatial openness of the Green Belt than the outbuilding. Nevertheless, even with trees removed, the single storey outbuilding would not appear as prominent within the Green Belt as the first-floor addition now proposed, which would be visible from a greater distance. Consequently, it would have a less harmful effect upon the visual openness of the Green Belt than the appeal proposal.
18. However, very significantly, the proposed extension and the outbuilding would not be located in the same area and as such both schemes could be built

without physically affecting the ability to construct the other. Furthermore, no planning obligation has been submitted with the appeal that would prevent the appellant from completing both schemes and it would not be possible to prevent the outbuilding from being constructed via a condition.

19. Therefore, given the proposed outbuilding could be built regardless of the outcome of this appeal, the outbuilding cannot be considered an alternative or fallback option to the appeal proposal. While I appreciate it is not the appellant's intention to do so, there is no mechanism before me to prevent that. A condition to remove permitted development rights would only take effect if the permission were implemented, so would not prevent the outbuilding being built beforehand. Accordingly, it is a neutral factor in this appeal.
20. As far as I have been made aware the dwellings permitted development rights (PD) have not been removed and thus an extension on the opposite side of the dwelling could be erected as well as converting the loft space. I have no details of what these may look like and therefore cannot be certain that they would be less harmful than the appeal proposal. In any case, again there is nothing before me to prevent such development being undertaken in addition to the appeal proposal, so use of PD is not an alternative to the appeal scheme. It is therefore a neutral factor in this appeal.
21. Whilst existing additions may have extended the original building beyond the 20% to 40% guidance set out in the SPD, I am unaware of the circumstances that led to those additions being permitted. Consequently, this is a neutral matter.
22. A family member has a physical health condition and having a gym located within the house would support their ongoing treatment for that condition. Nevertheless, the outbuilding could also be constructed, which could provide the desired facilities. Accessing the outbuilding might be less convenient than an internal gym, however there is no substantive evidence before me that this would have adverse health implications for the family member. Therefore, I give limited weight to this matter.
23. The proposal would not harm the character and appearance of the dwelling, but this would be expected of any development and is therefore a neutral factor. The lack of objection from interested parties is noted however this does not alter my assessment of the main issues in this appeal.
24. The proposal would enhance and increase the functionality and floor space of the dwelling but because this would be a private benefit, I attribute very limited weight to this consideration.
25. The appellant advises that another planning application for a similar extension has been submitted. As far as I have been made aware this application has not been determined and therefore, the fact that a separate application has been submitted does not affect the proposal before me.

*Whether very special circumstances exist*

26. The proposed development would cause harm to the Green Belt by reason of inappropriateness and the reduction in the openness of the Green Belt and I attach substantial weight to those harms.

27. The other considerations cited in support of the proposal do not either individually or cumulatively, clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
28. Therefore, the proposal would conflict with CS Policy GB1 and the SPD and Green Belt policy set out in paragraphs 147-151 of the Framework.

### **Conclusion and Recommendation**

29. The proposal would therefore conflict with the development plan and there are no material considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

*G Sibley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

30. 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.

*L McKay*

INSPECTOR