

Appeal Decision

Site visit made on 31 May 2022 by Max Webb BA(Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/P1805/D/22/3292412

2A Monument Lane, Lickey B45 9QQ

- 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 Mark Chase against the decision of Bromsgrove District Council.
 - The application Ref 21/01273/FUL, dated 6 August 2021, was refused by notice dated 19 November 2021.
 - The development proposed is single storey extension at the rear.
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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.

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 other relevant development plan documents;
 - the effect on the openness of the Green Belt; and
 - if the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons for the Recommendation

4. The appeal site is a semi-detached dwelling located in the Green Belt and has been significantly extended previously. There is established greenery bounding the property to the rear, meaning the site is somewhat enclosed from views. The semi-detached neighbour projects slightly further to the rear than the appeal property. The proposal would result in an additional extension to the rear of the appeal property.

Inappropriate Development

5. The Framework sets out how the extension or alteration of a building should not result in disproportionate additions over and above the size of the original building. The Framework defines the original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Similarly, Policy BDP4 of the Local Plan¹, suggests that extensions to existing residential dwellings should not exceed a maximum increase of 40% of the original dwelling provided that this scale has no adverse impact on the openness of the Green Belt. This Policy sets out that only extensions built before 1 July 1948 should be considered part of the original dwelling.
6. The appeal site was originally a single property, 2 Monument Lane. In 1958, permission was granted for the conversion of this building into two dwellings, including what has become No.2A, the appeal site. In 1961, permission was granted for an extension that allowed an increase to the size of the building (specifically the part which is now No.2A).
7. The appellant suggests that the conversion of the building into two dwellings did not take place until the extension was constructed in 1961. To support this, conveyancing information has been provided that shows when No.2A was first sold as a separate entity. The appellant therefore argues that the original dwelling should include the extension, which would mean the proposal would only be a 10% increase to the size of the original dwelling.
8. When a property was first sold does not necessarily indicate when it would be considered a dwelling for planning purposes. The conveyancing records before me do not provide sufficient evidence for it to be clear that the permission for the extension was implemented before or at the same time as No.2A became a separate dwelling. The drawing submitted as part of the 1961 application was showing a proposed single storey building extension specifically to No.2A. This may indicate that No.2A was a separate dwelling by this point. In addition, the existing ground floor plan shows this part of the wider building as having a separate front door and facilities (such as a kitchen) that would normally be associated with a dwelling. There is no indication that, at ground floor level, there was an internal access between No.2A and what is now No.2. In itself, this drawing does not definitively show that No.2A was a separate dwelling at this point, but it does suggest this could have been the case. Overall, I do not have sufficient evidence to conclude that it was more likely than not that the original dwelling included the existing substantial extension.
9. This being the case, I would concur with the Council's suggestion that the existing extensions would represent an increase of approximately 64.49% to the original dwelling. The Council go on to suggest the proposal, together with the existing extensions, would result in an increase of 71.55%. Despite the proposal resulting in a relatively small increase on its own, cumulatively the increase would be significantly above the 40% allowed by Policy BDP4 of the Local Plan.
10. Consequently, the cumulative increase in size would result in a disproportionate addition that would, having had regard to local policy and the Framework, result in the proposal being inappropriate development in the Green Belt.

¹ Bromsgrove District Plan 2011-2030 (adopted 2017)

Openness

11. Policy BDP4 of the Local Plan suggests that extensions may be appropriate provided they have no adverse effect on the openness of the Green Belt. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
12. The proposal would extend beyond the rear wall of the existing property, filling in what is currently open space and increasing the massing of the property to some extent. However, the proposal would be modest in size, to the rear of the property and in line with the rear wall of the neighbouring property. This size and positioning, combined with the surrounding greenery, would also limit the visibility of the proposal. There would thus not be a significant adverse effect on the openness of the Green Belt.
13. Consequently, purely in terms of openness, the proposal would not conflict with Policy BDP4 of the Local Plan or the Framework.

Other Considerations

14. The appellant has provided a number of other examples of development within the Green Belt, including on the appeal street. However, the presence of other development that impacts upon the Green Belt does not alter or minimise the harm that would arise from the appeal proposal.
15. It has been suggested by the appellant that the proposal would complete work needed to conserve the original property, and the additional space would help cater for increased home working. However, it is likely that these objectives could be achieved without causing harm to the Green Belt, and I thus give them limited weight.
16. Whilst the proposal would contribute somewhat to the economic and social objectives within the Framework, as has been outlined above, it would conflict with specific parts of the Framework regarding the Green Belt. The economic benefits would be small and therefore carry very limited weight. Compliance with some other parts of the Framework would be a neutral factor and does not carry positive weight.
17. The appellant has also raised the acceptability of the proposal with regards to character and appearance and the lack of harm to occupiers of neighbouring properties or objections raised. These are all neutral factors and likewise do not carry positive weight.

Conclusion and Recommendation

18. The proposal comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The lack of harm to openness is a neutral factor. Paragraph 148 of the Framework specifies that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. As has been outlined above, the other considerations do not carry significant positive weight and thus do not clearly outweigh the harm identified. Consequently, the very special circumstances that would be needed to justify the proposal do not exist.

19. The proposed extension would therefore conflict with Policy BDP4 of the Local Plan and the Framework.

20. For the reasons given above, I recommend that the appeal should be dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR