



Appeal Decision

Site visit made on 9 November 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/P1805/D/22/3300978

Lilac Cottage, Dordale Road, Bournheath, Worcestershire B61 9JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mrs L Keller against the decision of Bromsgrove District Council.
 - The application Ref 22/00401/FUL, dated 18 March 2022, was refused by notice dated 13 May 2022.
 - The development proposed is replacement single storey rear extension and construction of first floor balcony.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor extension including construction of the first floor balcony. The appeal is allowed insofar as it relates to the replacement single storey rear extension and planning permission is granted for the replacement single storey rear extension at Lilac Cottage, Dordale Road, Bournheath, Worcestershire B61 9JT in accordance with the terms of the application, Ref 22/00401/FUL, dated 18 March 2022, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P/2022/01/100-A; P/2022/01/101-A; P/2022/01/102-A; P/2022/01/104-A; P/2022/01/107-A; P/2022/01/108-A; P/2022/01/109-A; except in respect of the following: the extended roof with balcony under and alterations to rear dormer shown on plan P/2022/01/102-A; the first floor extensions including 2300mm wide full length window, bi-fold door egress on to bedroom terrace, glazed balcony and columns shown on plan P/2022/01/108-A; the first floor extensions including 3045mm wide bi-fold door egress onto open bedroom terrace and glazed balcony, columns for balcony and alterations to rear dormer shown on plan P/2022/01/109-A.
 - 3) The materials to be used in the construction of the external surfaces of the single storey rear extension hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The appellant highlights potential alternative schemes that they consider could be implemented under permitted development rights to extend the house in the absence of planning permission being granted. The footprints of three

options are provided, comprising a mix of rear and side, single storey extensions. I am satisfied that, in the absence of an alternative proposal, it would be likely that one of those schemes would be implemented. As such they represent valid fallback positions to which I afford considerable weight.

3. The appellant also submits that, subject to the prior approval process and removal of the sunroom and utility, an 8m long single storey extension, or a 3m long, two storey rear extension could be achieved without the need for full planning permission. It appears that an 8m long single storey extension in place of the sunroom and utility would provide a meaningful increase in ground floor space and could reasonably be achieved. Accordingly, I am satisfied that it would be a realistic fallback and it attracts considerable weight. In contrast, it would appear that following removal of the sunroom and utility, the 3m rear extension would not enable the desired improvements to internal layout. Therefore it does not appear to be a likely alternative to the appeal scheme. No further details have been provided to indicate otherwise. Consequently, that option attracts little weight.
4. In addition, the appellant refers to the potential for the house to be extended upwards under Class AA permitted development rights. Prior approval for this would involve consideration of its effect on matters such as the external appearance of the design and architectural features of the house. However, no details are provided of how this might be implemented in relation to the existing house. Therefore I cannot be sure that it would be a realistic or probable alternative. I therefore give little weight to this as a fallback option.
5. Further, reference is made to the potential for construction of outbuildings without the need for planning permission. However it is unclear how that would satisfy the purpose of this appeal, to improve the useability of the internal space within the existing house. Therefore I also afford this fallback option little weight.
6. In their appeal statement the appellant highlights that it is the replacement single storey rear extension that is of primary importance. As such, a split decision is suggested as a reasonable approach. I find that the proposed single storey extension would be clearly severable both physically and functionally from the proposed first floor extension. Therefore I have taken this into account in my reasoning.

Main Issues

7. The main issues are:
 - whether the proposal would constitute inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including the effect on openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the site and surrounding area;
 - whether any 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

Whether inappropriate development

8. Policy BDP4 of the Bromsgrove District Plan 2011-2030 (January 2017) (Local Plan) sets out the exceptions to inappropriate development in the Green Belt. Specifically, criterion 4.4 c) of that policy allows for extensions comprising an increase in floor space of up to a maximum of 40 per cent of the original dwelling or a maximum total floorspace of 140 sqm, provided that this scale of development has no adverse impact on the openness of the Green Belt.
9. This is broadly consistent with the exception under paragraph 149.c) of the National Planning Policy Framework (Framework). This allows for extensions in the Green Belt provided that it does not amount to disproportionate additions over and above the size of the original building. Original building is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
10. Lilac Cottage is a detached house with first floor accommodation in its roof pitch and projecting dormer windows. To one side of the front door and entrance hall is an integral double garage with living accommodation above. A single storey sunroom and utility room are located at the rear of the house. The planning history for the site includes an extension to form a bedroom and hall along with construction of a new roof over the garage, granted September 1980. A subsequent application for extensions and alterations was granted in March 1985. A further application for erection of a double garage was approved in March 1993.
11. A definitive position on whether or not those permissions were implemented, and their size has not been provided. However the appellant's evidence acknowledges that the original property would likely have been smaller than the current form of the house, and that the planning history is an indication that previous extensions have taken place. It is therefore reasonably likely that the original building was considerably smaller than its current extent.
12. The submitted plans show approximately a 53 sqm increase in the building's footprint, taking the overall footprint of the building to 309.23 sqm. However it is unclear how that compares to the footprint of the original building. Further, the total proposed floorspace of the ground and first floor extensions relative to that of the original building has not been provided.
13. The Council has calculated that existing extensions to the original building result in the ground floor floorspace having increased by approximately 108 per cent. In addition, that the proposed development would result in approximately a 151 per cent increase in floor space in comparison to the original building, taking into account the proposed removal of the sunroom and utility. I note that the appellant disputes those percentages. Also, that the floorspace figures from which those percentages were calculated have not been provided. However, no alternative percentage calculations have been provided to counter the Council's findings on the scale of the proposed extensions relative to the original building.
14. Therefore, from the information before me including the existing and proposed floorplans, planning history and my observations, and in the absence of any firm evidence to the contrary, it is reasonably likely that the proposal would

result in the floorspace of the original house increasing by considerably more than 40 per cent. That is likely to be the case even just considering the proposed single storey extension. Accordingly, it has not been robustly demonstrated that the proposal would satisfy the exception to inappropriate development under criterion 4.4 c) of Policy BDP4 of the Local Plan.

15. The Framework does not give a percentage threshold above which proposed extensions would be considered disproportionate. However, in the circumstances of this case and given the local policy context I find that the proposal would also amount to a disproportionate addition under paragraph 149. c) of the Framework.
16. The appellant also submits that even if the proposal was considered to amount to a disproportionate addition, it would fall within the exception at criterion 4.4 g) of Policy BDP4 of the Local Plan. This allows for limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Paragraph 149. g) of the Framework includes a similar provision. I am satisfied that the proposal relates to land that would fall within the Framework definition of previously developed land in this instance. Therefore, it is necessary to consider the effect of the proposal on Green Belt openness in comparison to the existing development.
17. Openness is an essential characteristic of the Green Belt that has both spatial and visual aspects. The removal of the existing utility room, and in particular its pitched roof, would reduce the building's bulk in that corner of the building. The eaves of the proposed single storey extension would be slightly taller than that of the existing sunroom but with a flat roof. Therefore the height of the proposed single storey extension would not be dissimilar to the sunroom.
18. Taking into account the removal of the sunroom and utility, the proposal would result in an increase of approximately 53sqm in the building's footprint to the rear of the building. However, the majority of that would be located on existing areas of patio and decking. Also, it would not extend beyond the rear of the sunroom or existing side elevations of the main house. Therefore, its effect on openness would be negligible.
19. Whereas, the proposal would also increase floorspace at first floor level through extension of the master bedroom. This would comprise larger dormer style projections within the existing roof, to the rear and, most notably, the side of the house. That would extend the ridge line and side elevation of the building at first floor level by several metres and would project beyond the existing side elevation of the house. A modest first floor terrace would also be provided. There would consequently be a notable increase in the volume of the building at first floor level, amounting to a small spatial reduction in openness.
20. The appeal building is set back from Dordale Road (the Road) behind a substantial, dense hedge. However there are oblique views of the house from the Road in both directions, above the hedge. Therefore, whilst I consider that the proposal would not conflict with the Green Belt purposes, and visibility of the proposal from surrounding land would be relatively constrained, its side extension would result in a small spatial and visual reduction in openness in comparison to the existing building.

21. Accordingly, with respect to the single storey rear extension only, it would fall within the exception in criterion 4.4 g) of Local Plan Policy BDP4. It would also fall within the exception at paragraph 149. g) of the Framework. Therefore that element of the proposal would not be inappropriate development.
22. In contrast, given the harm to Green Belt openness from the proposed first floor extension, it would not comply with the exception in Local Plan Policy BDP4 criterion 4.4 g). Similarly it would not fall within the exception at paragraph 149. g) of the Framework. Therefore the proposed first floor extension would constitute inappropriate development.

Character and appearance

23. The appeal site is situated within low density, rural surroundings, on the approach to Bournheath. Nearby houses are generally relatively modest in scale. They are typically of traditional two storey form with pitched roofs and an uncomplicated but individual design. The appeal dwelling is separated from neighbouring houses by an adjacent paddock on one side and fields to the other side and rear. It appears broadly centrally located within its plot. Therefore there is a sense of spaciousness around the building. It is set back from the Road and as such is not prominent in the street scene. In oblique views from the Road, its roof and dormer windows are visible above its boundary hedge. From there, the roof has a pleasing simplicity of form, with its dormer windows projecting from the expanse of the hipped, tiled roof.
24. The proposed single storey extension would simplify the building form at the rear of the property. The use of render and consistent window styles on that extension would blend with the existing building resulting in a coherent design. The proposed first floor side extension would be set back from the front elevation. Therefore, notwithstanding its effect on Green Belt openness, it would not appear unduly dominant from the road. The proposed raked back roofline of that extension would create a sense of balance with the similar form of the existing roof line above the garage. The simple form of the proposed first floor terrace with its glazed balustrade would not particularly draw the eye from the Road. Viewed from the side it would create a pleasing sense of symmetry, positioned centrally within that roof slope.
25. Therefore the proposal would not harm the character and appearance of the site and surrounding area. Consequently, it would accord with Policy BDP19 of the Local Plan which seeks to ensure developments achieve high quality design and enhance the quality of their locality. The proposal would also accord with paragraph 130 of the Framework which seeks to ensure developments are sympathetic to local character. Similarly, it would be in accordance with the guidance in the Council's High Quality Design SPD (June 2019) which includes consideration of the impact of a proposal on the street scene (paragraph 3.1.2).

Other considerations

26. Fallback option 1 would result in a slightly greater amount of floor space at ground floor level (342.85 sqm in comparison to 309.23 sqm). Fallback options 2 and 3 would result in a similar amount of floorspace as the appeal scheme at ground floor level. Therefore, at ground floor level the effect of these fallback schemes on Green Belt openness would likely be similar to the appeal scheme (or in the case of option 1, slightly greater). However, the appeal scheme also

involves additional floor space proposed at first floor level. Whereas, none of these three options involve any development at first floor level. Therefore their effect on Green Belt openness as a whole would likely be less than the appeal scheme.

27. Similarly, the potential fallback of an 8m single storey extension to the rear would amount to an extension of a considerable size, albeit part of its footprint would be offset by the removal of the sunroom and utility. Furthermore it would all be contained at the rear of the house and without any first floor or side extensions. Therefore I find that it would also have a lesser effect on Green Belt openness. No robust evidence is before me to the contrary.
28. The potential fallback scheme of a 3m rear two storey extension would involve both ground and first floor development. However it would also be contained over one footprint at the rear of the house and would be located on space currently occupied at ground floor by the sunroom and utility. In any event I have reasoned that this would not be a likely alternative option and it attracts little weight. Furthermore, even if equivalent or greater floor space could be achieved elsewhere within the plot through erection of single storey outbuildings or an upwards extension, I have also found that such fallback positions would not be realistic alternatives to the appeal scheme.

Green Belt Balance

29. I have concluded that the proposed single storey rear extension would not be inappropriate development in the Green Belt. Furthermore, it would not harm the character and appearance of the surrounding area. Consequently that part of the proposal is acceptable.
30. In contrast, I have identified that the proposed first floor extension would be inappropriate development and by definition would harm the Green Belt. It would also harm openness of the Green Belt to a limited degree. In accordance with paragraph 148 of the Framework I afford substantial weight to these harms. The proposal would create a sense of balance in the roof form at first floor level. It is also intended to improve its internal layout as a family home which is ostensibly a private benefit. I afford these benefits limited weight.
31. However, inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. Given the substantial weight to be given to Green Belt harm, the limited benefits and my reasoning with respect to the potential fallback schemes, the very special circumstances necessary to justify the proposed first floor extension have not been demonstrated.
32. As the proposed single and first floor extensions are both physically and functionally severable I consider a split decision would be a logical outcome.

Conclusion

33. For the reasons given above, I conclude that the appeal should succeed in relation to the single storey rear extension. However, in relation to the first floor extension the appeal should be dismissed.

34. In respect of the single storey rear extension, I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

Rachel Hall

INSPECTOR