



Appeal Decision

Site visit made on 28 December 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/P1805/D/21/3288648

Westlodge, Thicknall Lane, Hagley DY9 0HJ

- 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 Dominic Russell against the decision of Bromsgrove District Council.
 - The application Ref 21/01205/FUL, dated 26 July 2021, was refused by notice dated 8 October 2021.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Westlodge, Thicknall Lane, Hagley DY9 0HJ in accordance with the terms of the application, Ref 21/01205/FUL, dated 26 July 2021, subject to the conditions set out at the end of this Decision.

Applications for costs

2. An application for costs was made by Dominic Russell against Bromsgrove District Council. That application is the subject of a separate Decision.

Preliminary Matters

3. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I shall have regard to this statutory duty in my consideration of this appeal.
4. A recent prior approval decision¹ at the site and associated plans have been submitted after the appeal was made. As these build upon and are broadly consistent with arguments made within the appellant's original Planning Statement and subsequent Statement of Case submitted at appeal, I am satisfied that no party with a potential interest in the outcome of this appeal is prejudiced by me having awareness of these documents.

Main Issues

5. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;

¹ Ref: 22/00303/HHPRIO, dated 5 April 2022

- The effect upon the character and appearance of the host dwelling and surrounding area, bearing in mind the special regard that should be paid to the desirability of preserving the setting and thereby the significance of the Grade II* Listed Field House; and
- If the proposal would be inappropriate development, whether or not 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 necessary to justify it.

Reasons

Whether inappropriate development

6. The National Planning Policy Framework (July 2021) (the Framework) sets out that the construction of new buildings in the Green Belt shall be regarded as inappropriate development unless, amongst other exceptions, they represent an extension or alteration to a building that does not result in disproportionate additions over and above the size of the original building.
7. Policy BDP4 of the Bromsgrove District Plan (adopted 2017) (the BDP) sets out that extensions to existing residential dwellings up to a maximum 40% increase to the original dwelling or increases up to a maximum total floor space of 140 square metres shall represent exceptions to new buildings being considered inappropriate development. This is provided that the scale of development has no adverse impact on the openness of the Green Belt.
8. In this case, the appeal property has been the subject of previous enlargements to the front. Moreover, the main parties agree that the relevant thresholds for extensions to existing residential dwellings stipulated within Policy BDP4 have already been exceeded.
9. A separate exception to new buildings being considered inappropriate development, as stipulated by both the Framework and Policy BDP4, is the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
10. The proposed extension would be positioned upon land that comprises part of the residential curtilage of Westlodge and that is not located in a built-up area. Thus, the definition of previously developed land, as set out in the Framework, is met such that a partial redevelopment of previously developed land is under consideration. Accordingly, I must assess whether the proposed extension would have a greater impact on the openness of the Green Belt as compared to existing development before concluding whether or not inappropriate development is under consideration.
11. The extension that is proposed would cover a sizeable footprint and be positioned in a visible location setback only a short distance from Thicknall Lane. It would be erected upon an open gravelled area to the side of the property and the scheme does not involve the removal of any existing structure(s). Thus, the proposed extension would, when compared to existing development, result in a loss of Green Belt openness. The exception relating to the redevelopment of previously developed land does not apply, therefore.

12. For the above reasons, the proposal would be inappropriate development in the Green Belt and, in this regard, it would conflict with Policy BDP4 of the BDP and the Framework in so far as these policies state that inappropriate development is, by definition, harmful to the Green Belt.

Character and appearance, including the setting of Field House

13. The appeal property is a detached dwelling situated in the open countryside. Whilst Westlodge itself is not a listed building, it is one of two former lodges that historically formed part of the estate associated with the Grade II* listed building known as Field House and is a non-designated heritage asset in its own right.
14. Field House is of mid-18th-century origin. Its significance and special interest is underpinned by the building's origination as a high-status country dwelling, visually and functionally ascendant over a wider parkland estate. Although the former estate is now in divided use and ownership, there remains an enduring connection between Field House and its surroundings. Therefore, the land and buildings that historically formed part of the Field House estate comprise part of its setting and make a valuable contribution to its significance as a designated heritage asset.
15. Westlodge is of 19th-century origin. Its heritage significance is drawn, in part, from the consistency of its external facing elevations and ornate architectural features, its surviving historic fabric, and its continued legibility as an estate building with an intrinsic link to Field House. This significance remains identifiable despite considerable modern enlargements that have occurred to the front (west) of the property.
16. The proposed extension would be of stepped down height relative to other parts of the building. Nevertheless, an extension of considerable footprint is proposed to a readily visible part of the site that is currently clear of built development. The extension would conceal a featureful rear elevation and, when read and experienced in conjunction with past extensions to the building, would not appear as a genuinely subordinate addition. I also acknowledge that the gable-ended roof form that is proposed, whilst consistent with the form of past extensions, would not be wholly sympathetic to the property's traditional pyramidal roof.
17. However, an important material consideration in this case is the applicability of a fallback position that emanates from the potential to utilise permitted development rights afforded to the property. Moreover, the relevant prior approval² process has been followed to demonstrate that a rear extension of similar scale, positioning and design could be erected without the need to apply for planning permission.
18. The fallback scheme would effectively conceal the whole of the appeal property's original east elevation and be of the same height and gable-ended design to the proposal now before me. Whilst a slightly larger footprint is now proposed when compared to the fallback scheme, stepped back positioning relative to Thicknall Lane is intended which would assist in moderating visual prominence and promoting the availability of some glimpsed views of the front part of the original east elevation.

² Ref: 20/00885/HHPRIO (allowed on appeal 13 May 2021, ref: APP/P1805/D/20/3265582) and 22/00303/HHPRO

19. Given the fallback position that applies, I cannot find that the proposal would cause harm to the significance or special interest of Field House by bringing forward development within its setting, or that a loss of heritage significance would be caused to Westlodge as a non-designated heritage asset. Moreover, in this context, the proposal would have an acceptable effect upon the character and appearance of the host dwelling and surrounding area.
20. The scheme satisfactorily accords with the historic environment conservation and enhancement policies contained within the Framework, with Policies BDP19 and BDP20 of the BDP and with the guidance contained within the High Quality Design Supplementary Planning Document (adopted June 2019) in so far as these policies and guidance advocate a holistic approach to the proactive management of the historic environment and seek to ensure development enhances the character and distinctiveness of the local area.

Whether very special circumstances apply

21. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
22. In this case, the fallback position referred to above represents an alternative approach to developing a single-storey extension to the rear/east of the dwelling. This option has been formalised via the submission of detailed drawings, prior approval applications, and subsequent confirmations that prior approval is granted/not required. To my mind, there is a strong likelihood of the fallback position being implemented should this appeal be unsuccessful such that it attracts significant weight.
23. Of some relevance also is the theoretical potential to construct, utilising permitted development rights, a side extension to the north of the original part of Westlodge. However, no detailed plans have been drawn up to illustrate what form such an extension could or would take. Nor has a genuine intention to utilise permitted development rights in this regard been clearly demonstrated.
24. Even so, the fallback rear extension, whilst slightly smaller in volume and footprint terms, would have a commensurate effect upon the Green Belt's openness when compared to the appeal proposal. This is due to the fallback scheme's proximity to Thicknall Lane and its similar scale, positioning and design. Indeed, the measure of openness is not solely confined to the consideration of spatial dimensions and has a visual element that is influenced by such factors as site layout.
25. Furthermore, there exists the opportunity to impose a planning condition should the appeal be successful removing a range of householder permitted development rights that currently avail. This approach would offer full assurances that no future additional enlargements or freestanding outbuildings could be added, to result in a potential loss of Green Belt openness, without planning permission first being obtained from the Council.
26. As such, in the particular circumstances of this case, the harms I have identified to the Green Belt by reason of inappropriateness and loss of openness are clearly outweighed by other considerations such that very special circumstances do exist. Moreover, whilst the proposal conflicts with Policy

BDP4 of the Local Plan and thus with the development plan when read as a whole, there are material considerations that lead me to a decision otherwise.

Conditions

27. The Council has suggested conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes.
28. In the interests of certainty, a condition specifying the approved plans is required. In the interests of safeguarding the visual amenities of the area and of achieving assimilation with the host dwelling, a condition securing the use of matching materials is reasonable and necessary to impose. This includes the use of black-coloured framing. For the avoidance of doubt, given the small and nature of the development permitted, a building recording condition is unnecessary.
29. As set out in the Framework, conditions restricting the future use of permitted development rights should only be used where there is clear justification to do so. In this instance, in the interests of protecting the openness of the Green Belt and in accordance with reasoning set out above, I see clear justification for such a condition to be applied that pertains to any further enlargements, alterations or buildings incidental to the enjoyment of a dwellinghouse.

Conclusion

30. For the reasons given above, I conclude that the appeal should be allowed such that planning permission should be granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: DN19026/4 Rev 1; DN19026/3; 19026/2 Rev 01.
- 3) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building. Notwithstanding the finishes indicated upon approved plan 19026/2 Rev 01, all external framing to be installed shall be coloured black.
- 4) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending, revoking and re-enacting that Order, no enlargements, alterations or buildings as permitted by Classes A to E of Part 1 to Schedule 2 of that Order shall be carried out within the curtilage of the dwellinghouse unless planning permission is first granted by the Local Planning Authority.

-----END OF SCHEDULE-----