



Appeal Decision

Site visit made on 27 January 2023

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/Q4625/D/22/3299115

339 Lugtrout Lane, Solihull, West Midlands, B91 2TW

- 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 Zahid Bhatti against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/03288/MINFHO, dated 10 December 2021, was refused by notice dated 5 April 2022.
 - The development proposed is erection of two storey rear extension and outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy.
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on ecology.
 - If the development is inappropriate in the Green Belt, whether any harm by reason of inappropriateness, openness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. The appeal property is within the Green Belt. Paragraph 149 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. It says new buildings within the Green Belt are inappropriate unless, amongst other things, they represent the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
4. Policy P17 of the Solihull Local Plan (2013) (SLP) makes clear that the Council will not permit inappropriate development in the Green Belt, except in very special circumstances. Furthermore, it says development involving the

replacement, extension or alteration of buildings in the Green Belt will not be permitted if it will harm the need to retain smaller more affordable housing or the purposes of including land within the Green Belt. Thus, insofar as is relevant to this appeal the aims of Policy P17 of the SLP are broadly consistent with the Framework.

5. The proposed extension would be substantial. It would include a large two storey rear extension, a new swimming pool building and a link to the existing detached garage. The proposal would change the appeal property from a reasonably sized detached dwelling with a detached garage to a large elongated expansive s-shaped building which would extend deep into its plot. Indeed, the Proposed Side Elevation (drawing No 0339 (P)015) shows the proposed extension and adjoining outbuilding would have a depth of around 20 metres.
6. Thus, irrespective of the volume of the proposed additions when compared to the original dwelling, through its scale and expansive sprawling form, in my view, the proposal would clearly result in a disproportionate addition over and above the size of the original building.
7. For these reasons, the proposal would be inappropriate development in the Green Belt which would harm Green Belt openness. It would therefore be in conflict with paragraph 145 of the Framework and Policy P17 of the SLP which among other things seeks to avoid inappropriate development in the Green Belt.

Character and appearance

8. Lugtrout Lane nearby is characterised by mainly detached dwellings, interspersed with fields, pockets of woodland and surrounded by countryside. The properties are mainly detached and set in spacious plots arranged along and facing the road. Overall, the area has a rural, spacious and linear character and appearance.
9. The proposed extensions deep into the plot would result in a dwelling that would have an extensive elongated appearance. The proposed expansive two storey side elevation would have a dominant and imposing effect on the street scene having the effect of creating a dwelling which would appear excessively large in its plot. Consequently, the proposed extensions would erode the spacious character of the area and would be an incongruous feature of the street scene.
10. For these reasons the proposal would harm the character and appearance of the area. The proposed development would therefore conflict with Policy P15 of the SLP, which among other things seeks to achieve good design and safeguard the character of an area.

Ecology

11. The proposed extensions and alterations would result in significant works to the roof of the existing dwelling. The Council requested a survey to assess whether or not the proposal would have impacts on bats and whether any mitigation measures would be required. There is no such survey before me and given the proximity to woodland and mature trees there is a reasonable likelihood that bats could visit or roost locally.

12. Circular 06/005 (paragraph 99) makes clear that the presence or otherwise of protected species, and the extent that they may be affected by proposals should be established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It says clearly that the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.

13. There are no such exceptional circumstances before me. Thus, in this case I must take a precautionary approach and find with the absence of substantive evidence to the contrary there is a significant risk the appeal proposals would be harmful to protected species. The proposal is therefore contrary to Policy P10 of the SLP, which among other things seeks to ensure new development does not harm biodiversity including protected species.

Other considerations

14. I note the proposals would improve the living conditions for the occupiers of the appeal property. There may also be economic benefits associated with construction.

Conclusion

15. I have found that the proposal would amount to inappropriate development within the Green Belt and would be harmful to Green Belt openness and therefore should not be approved except in very special circumstances.

16. I give some weight to the improvement in living conditions and economic benefits associated with construction. However, all other considerations combined are relatively modest and are outweighed by the substantial weight which must be given to the Green Belt harm identified. The harm I have identified to the character and appearance of the area and ecology only carries further weight against the proposals. The other considerations in this case are therefore clearly insufficient to demonstrate very special circumstances.

17. Thus, for the reasons set out above and with regard to all other matters raised I conclude, on balance the scheme would not accord with the development plan or national policy and should therefore be dismissed.

L Fleming

INSPECTOR