



Appeal Decision

Site visit made on 2 February 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/P1805/W/22/3306211

Keepers Cottage, Coopers Hill, Alvechurch B48 7BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Paul Walton against Bromsgrove District Council.
 - The application Ref 22/00030/FUL, is dated 30 December 2021.
 - The development proposed is 'two storey extension to rear of property and two single storey side extensions'.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. The appellant submits that a fallback position exists due to the potential for permitted development rights to be exercised. I accept that considerable development could be carried out under permitted development rights through the erection of outbuildings within the grounds of the appeal site (the outbuildings fallback position). This might reasonably provide an alternative for the appellant's desire for new home office accommodation. However, it appears unlikely that outbuildings would satisfy their other aspirations for improving the internal layout of the existing house, creating a larger master bedroom, and creation of a boot room. Therefore evidence that there is a greater than theoretical possibility that extensive outbuildings would be implemented, in the absence of a successful appeal, is not persuasive. Accordingly this fallback position attracts very limited weight.
3. Reference is also made to the existence of permitted development rights for a single storey rear extension of up to 8 metres in length (the single storey fallback position). This has the potential to facilitate improvements to internal layout, including incorporating office space, more open plan living space and a boot room. Consequently, in the event that the appeal were unsuccessful, it appears reasonably likely that such a scheme would be pursued. I afford this fallback position considerable weight.
4. In addition, reference is made to the potential fallback of an upwards extension of two storeys under permitted development rights (the upwards fallback position). Such permitted development rights only apply where the building was constructed prior to 1 July 1948 or after 28 October 2018. It is unclear whether the building predates July 1948 and therefore whether this permitted development right could realistically be applied. Even were that the case, it has not been robustly demonstrated that such an extension would sufficiently

address the reasons for seeking to extend the building. It is also unclear whether it would be feasible and economical to do so. As such, I find that it would not have a greater than theoretical possibility of being implemented. Consequently this fallback position attracts very little weight.

Main Issues

5. 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;
- 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

6. 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.
7. 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.
8. The Council submits that Keepers Cottage has been extended a number of times since it was built originally. The floor area of these extensions is calculated as 86.5 sqm. This excludes the existing dining room, study and downstairs toilet due to the Council's uncertainty of when that was built in relation to the original dwelling. Combined with the appeal scheme extension, existing extensions are calculated to amount to an increase in floor space of 247 per cent (or 201.9 sqm). From the information before me including the existing and proposed floorplans, planning history and my observations, and in the absence of robust evidence to the contrary these figures appear reasonable.
9. Therefore the proposal would result in considerably greater than a 40 per cent increase in floor space, and greater than the maximum of 140 sqm in comparison to the original building. Accordingly, the proposal would not satisfy the exception to inappropriate development under criterion 4.4. c) of Policy BDP4 of the Local Plan. 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. Therefore the proposal would be inappropriate development.

Openness

10. Openness is an essential characteristic of the Green Belt that has both spatial and visual aspects. The proposal would amount to an increase in floor area of approximately 86.5 sqm. Part of this would be contained within a substantial two storey extension to the rear. A single storey extension to one side would run the full length of the house, in part replacing the existing utility room and log store. A further single storey extension would be added to the rear of the existing lounge. Therefore there would be a considerable increase in the footprint of the building both to the rear and side of the existing house. The increase in its volume at ground and first floor level would also not be insignificant. This would amount to a notable spatial reduction in openness.
11. Although Keepers Cottage is set back from Coopers Hill behind a mature boundary hedge, it is positioned slightly above the level of Coopers Hill (the Road). In addition, the Road slopes down towards Sandhills Green. Therefore the position of the house has some visual prominence from the Road, particularly when trees are not in leaf. The rear garden is bound by woodland to the rear and one side. This forms a backdrop to views of the house on Coopers Hill on approach from the east. This would limit the extent to which the rear extension would visually reduce openness from that direction.
12. A field forms the other side boundary to the house and garden. As the land in that field falls away, it affords open views from the appeal site across the wider landscape. Consequently, from the appeal site's access on Coopers Hill and its driveway, the existing side elevation of the house is viewed against open sky. Accordingly, from that direction the substantial depth of the proposed two storey rear extension would appear as a noticeable loss of openness to the rear of the house. Therefore, the proposal as a whole would result in a notable reduction to the openness of the Green Belt in visual and spatial terms.

Other Considerations

13. I note the appellant's acceptance of the Council's suggested conditions and their willingness to accept a condition removing future permitted development rights in the event that the appeal were to be allowed. The proposal could be constructed from materials to match those on the existing house. These are neutral considerations. The proposal seeks to improve the quality and useability of the existing house which would be a private benefit for the existing occupants and any future occupants of the house. The proposal could achieve the necessary energy efficiency standards with potential enhancements to the existing house. In the absence of further detail this is a neutral consideration.
14. The outbuildings fallback position has the potential to result in a considerable amount of built development within the garden of the existing house. Depending on the position of such buildings, this would have the potential to result in a greater reduction in spatial and visual openness within the appeal site in comparison to the appeal scheme. However, for the reasons given above, this option attracts very little weight.

15. Similarly, the upwards extension fallback position has the potential to add considerable volume and bulk to the existing dwelling. This could also result in a greater spatial and visual reduction in openness than the appeal scheme. However, this fallback position again attracts very little weight.
16. Whilst the single storey fallback position appears reasonably likely to be pursued and attracts considerable weight, the effect of a single storey extension on Green Belt openness would likely have a less harmful visual effect on Green Belt openness than the appeal scheme. No substantive evidence indicates otherwise. For the reasons given, the fallback positions, either alone or in combination with each other, do not alter my findings on the harm arising from the appeal scheme.

Conclusion

17. I have identified that the proposal would be inappropriate development and by definition would harm the Green Belt. It would also harm openness of the Green Belt and in accordance with paragraph 148 of the Framework I afford substantial weight to this harm.
18. The fallback positions do not amount to the very special circumstances needed to justify inappropriate development in the Green Belt. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt have not been demonstrated. The proposal would consequently conflict with Policy BDP4 of the Local Plan in respect of development in the Green Belt.
19. Therefore, for the above reasons the appeal is dismissed, and planning permission refused.

Rachel Hall

INSPECTOR