



Appeal Decision

Site visit 25 April 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/P1805/D/22/3304868

Rock Cottages, Cockshutt Lane, Dodford, Worcestershire B61 9AT

- 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 S Massey against the decision of Bromsgrove District Council.
 - The application Ref 22/00500/FUL, dated 5 April 2022, was refused by notice dated 31 May 2022.
 - The development proposed is a single storey extension.
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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 having regard to the Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt, and;
 - If inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. Policy BDP4.4 of the Bromsgrove District Plan 2011-2030, January 2017 (BDP) indicates that development of new buildings in the Green Belt is inappropriate, except in specified circumstances. This is broadly similar to paragraph 149 of the National Planning Policy Framework (the Framework).
4. The exception listed in paragraph 149c) of the Framework refers to the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not specify how 'proportionality' should be measured but the term original building means a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally. Essentially the parties disagree as to whether the appeal proposal represents a disproportionate addition to the original building at Rock Cottages.

5. Policy BDP4.4c) of the BDP is more explicit in specifying the size increases that would not be inappropriate. It permits extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² ('original' dwelling plus extension(s)) provided that this scale of development has no adverse impact on the openness of the Green Belt. The explanatory text at paragraph 8.24 clarifies that this is how the Council interpret the term 'disproportionate additions' in the Framework.
6. The appellant is critical of the lack of flexibility in policy BDP4.4c) and contends that it does not take into consideration how disproportionality can vary from property to property and highlights that the policy predates the present Framework. Nevertheless, it is not shown that the wording in respect of this element of national Green Belt policy has fundamentally changed from the version to which the BDP refers. Paragraph 219 of the Framework confirms that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the present Framework. Rather due weight should be given to them according to their degree of consistency with the Framework. I consider that policy BDP4.4c) is consistent with paragraph 149c) of the Framework and sets out a clear yardstick against which to make an assessment in this regard.
7. The proposed extension is of a modest scale constituting a single storey lean-to to the dining and kitchen area of the dwelling. It would amount to approximately 12.65m² of additional internal floorspace. Nevertheless, both national and local green belt policy refer to the original building as the benchmark against which the assessment of proportionality must be made. It follows that this requires a cumulative assessment of size, taking previous relevant extensions into account. As such, the proposed individual scheme should not be considered in isolation.
8. The information I have been given relating to the planning history of the appeal site is limited, but the Council provides a summary in their assessment. Reference is made to the appeal property having historically been a row of three cottages but converted into a single residence in approximately 1986-88. Moreover, it is stated that extensions were carried out both before and after the conversion to a single dwelling. This included permissions for a first floor bedroom extension with dormers to what was then cottage no.2 granted in 1977; a porch and kitchen extension in 1988 followed by a two storey extension in 1994 to form a living room with bedroom over and a first floor corridor. This is not disputed by the appellant.
9. Furthermore, the Council point to a previous planning appeal dismissed in 2002, which they consider was similar to the present appeal scheme. The original floor area of the property at that time was said to be 96m² with existing extensions equating to 60m², resulting in the total floor area of the dwelling of 156m² or an increase of 62.5%. The appellant does not dispute this position, nor the conclusion that the proposal would exceed the limitations of policy BDP4.4c). On that basis, it follows that as defined by the development plan, the proposal would constitute a disproportionate addition in the Green Belt.
10. The appellant highlights that the Framework refers to size rather than just floorspace and consequently, this encompasses the consideration of floorspace,

volume and external dimensions. The balance of evidence indicates that considerable extensions have already taken place that have increased the size of the building. The proposed addition, albeit single storey, relatively small and flush with the remainder of the linear south-west elevation, would nevertheless materially add to the volume and massing of the overall built form.

11. The modest size of the proposal in this case would not negate the cumulative effect. To find otherwise would ignore that a series of small incremental increases over time could collectively be equivalent in size to a much larger extension.
12. Consequently, I find that the proposal would cumulatively result in an increase in size disproportionate to the original building. Therefore, it would amount to inappropriate development in the Green Belt.

Openness

13. Rock Cottages is perpendicular to Cockshutt Lane, and the south-east side elevation presents directly onto it. As such, the increase in size resulting from the proposal would be apparent from the road. Consequently, the appeal proposal, when taken with the cumulative extensions built would notably increase the size of the building overall, thereby having an adverse spatial and visual impact upon the openness of the Green Belt. However, cognisant of its modest scale, this would result in limited harm to the openness of the Green Belt.

Other considerations

14. The appellant highlights that the proposal is modest, would not project forward of the existing built envelope of the dwelling and would appear subservient to the host building. These are all factors which indicate thought has gone into designing the proposal such that it would avoid causing harm to the character and appearance of the area. Nevertheless, the lack of harm in this respect would not address nor cancel out the requirements of national and local Green Belt policy. Therefore, they are effectively neutral factors in the overall balance.
15. The proposal would marginally improve the internal accommodation for the appellant and the flow of the kitchen and dining spaces, which would represent a small benefit.

Green Belt balancing exercise

16. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal amounts to inappropriate development, and limited harm would be caused to the openness of the Green Belt. These factors attract substantial weight. The small benefit to the living conditions at the property attracts little weight.
17. Accordingly, I find that the other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

18. The proposal would amount to inappropriate development in the Green Belt and would harm openness. Therefore, it would be contrary to policy BDP4.4 of the BDP which seeks to protect the Green Belt from the inappropriate development of new buildings.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

INSPECTOR