



Appeal Decision

Site visit made on 7 June 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/P1805/D/22/3306487

3 Church Hill, Belbroughton, Worcestershire, DY9 0DT

- 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 and Mrs Davies against the decision of Bromsgrove District Council.
 - The application Ref 22/00434/FUL, dated 21 March 2022, was refused by notice dated 22 June 2022.
 - The development proposed is removal of existing conservatory and replacement with new single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing conservatory and replacement with new single storey extension at 3 Church Hill, Belbroughton, Worcestershire DY9 0DT in accordance with the terms of the application, Ref 22/00434/FUL, dated 21 March 2022, 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: 22-620-1, 22-620-2, 22-620-3.

Main Issues

2. The main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt; and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, 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

Whether inappropriate development

3. The appeal site is a dwelling which is situated in the Green Belt. The National Planning Policy Framework (the Framework) identifies that the essential characteristics of Green Belts are openness and permanence. It goes on to

state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4. The proposal includes the extension to an existing dwelling. The Framework advises at paragraph 149 that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to exceptions, one of which is 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.
5. Policy BDP4 of the Bromsgrove District Local Plan 2011-2030 (2017) (LP) also states that the development of new buildings in the Green Belt is considered to be inappropriate, except 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 provided that this scale of development has no adverse impact on the openness of the Green Belt. The supporting text to LP Policy BDP4 states that any proposed extensions above the identified thresholds will be viewed as inappropriate development and would therefore only be permitted where very special circumstances exist.
6. The appeal property forms the end dwelling in a row of terraced properties and is set within a sizeable plot. The appeal site is elevated above the adjacent highway from which it is partly screened in views from the surrounding area. The proposal seeks permission for the erection of an extension following the demolition of an existing conservatory. The extension would have a greater footprint than the existing conservatory and would be taller than the existing structure. The main parties agree that the proposal, in combination with existing extensions, exceeds a 40% increase in the size of the original dwelling. Therefore, it would conflict with LP policy BDP4 and the guidance in the High Quality Design SPD (2019) (SPD) which has similar aims.
7. Notwithstanding this, the resultant increase in floor area and height of the extension when compared to the existing conservatory is minimal and the proposed extension would add limited bulk to the property. Given this the proposed extension would not appear as a disproportionate addition over and above the size of the original building and therefore would not comprise inappropriate development in the Green Belt.

Openness

8. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The SPD also states that openness is considered to be the absence of buildings and development and that positioning, mass, height and topography can all have an impact on this.
9. The height and overall form of the dwelling would be unaltered and the extended building would not appear larger, bulkier or more built up than the existing dwelling. Furthermore, the proposed extension would be largely screened from views from the surrounding area and would be seen in the context of existing extensions to the neighbouring properties within the same row. Accordingly, the effect on openness would be very limited and would not cause significant harm to the openness of the Green Belt. In this regard, I do not consider that there would be conflict with the Framework.

Other Matters

10. The Council considered the effect of the proposal on the Belbroughton Conservation Area within its Officer Report, setting out why harm would not arise. I find no reason to take a different view.

Conditions

11. In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord.

Conclusion

12. Whilst I have identified a conflict with LP Policy BDP4 and the SPD with regards to the scale of the proposal, I have found that the proposal would not be inappropriate development in the Green Belt. The effect on the openness of the Green Belt would be limited in so far as the extension would not result in a disproportionate addition over and above the size of the original building. As the proposal would not be inappropriate development in the Green Belt, and hence there would be no harm caused to it, it has not been necessary for me to take into account other identified considerations. In light of the above reasoning, and having regard to all matters raised, I conclude that the appeal should be allowed.

Nichola Robinson

INSPECTOR