



Appeal Decision

Site visit made on 17 May 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 5 July 2023

Appeal Ref: APP/K3415/D/23/3316664

18 Aldridge Road, Little Aston, Sutton Coldfield, Staffordshire B74 3BQ

- 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 Andrew Mulligan of Sports Plus Scheme against the decision of Lichfield District Council.
 - The application Ref 22/01497/FUH, dated 12 October 2022, was refused by notice dated 13 December 2022.
 - The development proposed is rear extension to provide first floor accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The emerging Lichfield District Local Plan 2040 is yet to be examined and there is currently a pause within the adoption process. Given its status and degree of preparation, I afford very limited weight to any emerging policies.
3. The appellant contends that Policy NR2 of the Litchfield District Local Plan Strategy 2008-2029 dated 2015 (Local Plan) does not allow for the full list of Green Belt inappropriate development exceptions set out in chapter 13 of the National Planning Framework 2021 (the Framework). It is stated that as such it is out of date and paragraph 11(d) of the Framework should apply. However, while Policy NR2 does not exhaustively list inappropriate development exceptions, it explicitly refers to the list detailed in the Framework. The policy is therefore not out of date and is consistent with the Framework. Accordingly, paragraph 11(d) of the Framework is not triggered. I have considered this appeal on this basis.
4. The Council refers to Core Policy 3 and Policy BE1 in the Local Plan in its decision notice. These policies cover the creation and maintenance of sustainable communities and achieving a high quality sustainable built environment. No evidence is provided that the development would not meet these requirements. I have omitted further reference to them.

Main Issues

5. 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 of the proposal on the openness of the Green Belt; and

- if the proposal would be 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 it.

Reasons

Whether inappropriate development

6. The appeal site is a large detached property, located off Aldridge Road and within the West Midlands Green Belt. It has a large rear garden which is enclosed by high fencing and mature planting. The proposal would add a first floor over the existing single storey rear extension of the property.
7. Policy NR2 of the Local Plan states that Green Belt policy is set out in the Framework. The Framework details that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149.
8. The proposal is assessed against the exception in paragraph 149(c) for extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
9. The Council's historical mapping, which is not disputed by the appellant, shows the existing building diagrammatically being extended to the sides and to the rear along its full length. These additions make the building substantially larger than the original building. No evidence to the contrary of this assessment has been provided. When taken in combination with the previous additions the proposal would result in a disproportionate addition in size over and above the size of the original building.
10. The proposal would not serve to rationalise the existing dwelling but would add to its size. The test for compliance with paragraph 149(c) is narrowly set against the baseline of the size of the original building as defined by the Framework. As such the wider contextual and environment aspects listed such as being in keeping with the property and surrounding area and not having a detrimental effect on occupiers of neighbouring properties, do not form part of the exception consideration.
11. The appellant accepts, in planning policy terms, that the proposal constitutes inappropriate development by way of volume increase. Nevertheless, they contend with reference to the appeal case for the Old Quarry House, Seale (APP/Y3615/W/18/3202309) that while the cumulative additions to the property may be sizeable, this does not necessarily lead to a conclusion that they are disproportionate. However, no comparative sizes, measurements or volumes or other substantive evidence have been provided to justify this view. Full details and circumstances of the previous appeal and evidence that the proportionality assessment completed is comparable to the proposal is also not provided. Consequently, I give limited weight to this and consider that the case should be based on its own planning merits.
12. Accordingly, due to its increase in size over and above that of the original building the proposal would fail to qualify as an exception under paragraph 149(c) of the Framework. As a result, the proposal would be inappropriate

development and, as detailed in paragraph 147 of the Framework, it would be, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

13. Paragraph 137 of the Framework establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
14. The Court of Appeal in *Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466* confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result.
15. The proposal's impact on the visual aspect of the openness of the Green Belt would be limited due to the screening provided from the fencing and mature landscaped boundaries. However, it would increase the volume, height and massing of the existing dwelling's first floor and roof areas and this would harm the spatial aspect of the openness.
16. The proposal would therefore reduce and harm the openness of the Green Belt and the Framework makes it clear, in paragraph 148, that substantial weight be given to any harm to it.

Other Considerations

17. The Framework establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
18. It has been found that the proposal would be inappropriate development which would harm openness. While the proposal would not conflict with the purposes the Green Belt serves, it nonetheless would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open, and not to undermine the essential characteristics of Green Belts which are their openness and their permanence.
19. The proposal would be in keeping with the property and surrounding area in terms of character and appearance, would not have a detrimental effect on occupiers of neighbouring properties and would not harm the environment through waste, pollution or biodiversity. These are however, neutral matters that do not weigh in favour of the proposal, as is the lack of objections by any third party.
20. Construction of the proposal would make a positive contribution to the economy, through employment for local builders and trades people, especially for those affected by Covid 19. However, due to it being only for an extension this would be a modest and limited benefit. The proposal would also provide additional living space within the property, some of which could be used for home working. While this would be a benefit to the occupiers of the property, it would be a relatively modest addition compared to the existing living space and I therefore attribute it limited weight in favour of the development.

Whether very special circumstances exist

21. The proposal would cause harm to the Green Belt by reasons of inappropriateness and reduction in openness and I attach substantial weight to those harms. The other considerations of the scheme do not, either individually or cumulatively, clearly outweigh the harm to the Green Belt.
22. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would not comply with the Green Belt aims of Policy NR2 of the Local Plan, or the Framework, and would be unacceptable.

Other Matters

23. The appellant details that the Council did not consider the very special circumstances relating to the proposal, failed to consider the weighted balance of paragraph 11(d) of the Framework, and did not undertake a planning balance in its assessment. However, the Officer Report, indicates that these were considered, and information regarding other circumstances was not provided by the appellant. In any event, this appeal has provided the appellant a further opportunity for relevant information to be considered.
24. The appellant advises that the proposal meets a variety of paragraphs within the Framework regarding the approach to assessing a proposal; how weight should be attributed to development plans; use of planning conditions and criteria for good design. While these are noted, as detailed above, they do not outweigh the harm that I have found to the Green Belt.
25. The appeal site falls within Little Aston Conservation Area (CA) and the effect of the proposal on the character and appearance of the conservation area was not raised as a reason refusal by the Council. However, under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing its character or appearance.
26. The appeal building is a part brick, part rendered detached property with a variety of pitched roofs and a large and secluded rear garden. The building sits comfortably within its setting and is consistent with the variety of build forms and styles in the area.
27. While the proposal would introduce a new rear extension, this would blend with the existing building and architectural form of the building and would not diminish or detract from the building's overall contribution to the character and appearance of the area. The proposal would therefore preserve the character and appearance of the CA.

Conclusion

28. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR