



Appeal Decision

Site visit made on 4 January 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/K3415/D/23/3327394

Fairfield, Ford Lane, Chorley, Lichfield, Staffordshire WS13 8BY

- 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 Mrs Nicola Beard against the decision of Lichfield District Council.
 - The application Ref 23/00168/FUH, dated 15 February 2023, was refused by notice dated 9 June 2023.
 - The development proposed is a first floor front, side and rear extension, raising of roof height, dormer windows to front and rear and cladding at first floor (front, rear and side), installation of new windows to rear and increase in chimney height.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have omitted the words 'retention of' from the description of works above, as this does not constitute an act of development. The application form states works have been completed on site, and I saw at my visit that, externally, the dwelling largely resembled the works shown on the submitted plans. However, whilst acknowledging that the appeal seeks to retain the structures as built, my assessment is based principally on the plans before me, in particular as they include proposed changes to the rear windows and chimney not built on site.
3. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous iteration. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments. References hereafter in the decision to the Framework are to the December 2023 version.

Main Issues

4. The site lies within the Green Belt. Therefore, the main issues are:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt and the purposes of including land within it;
 - If the development is inappropriate, whether any 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 in the Green Belt

5. Paragraph 154 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development but lists certain forms of development which are not regarded as inappropriate. This includes 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.
6. Policy NR2 of the Lichfield District Local Plan Strategy (February 2015) (the LDLPS) confirms that Green Belt policy will be applied in line with the Framework. Neither the Framework nor Policy NR2 defines a 'disproportionate addition', but the Council indicates it applies a rule of thumb of a 50% increase in footprint and 30% increase in volume over the original building.
7. The Council states that the dwelling was originally built as a modest bungalow with a floorspace of some 91sqm and a volume of 400sqm. The dwelling was subsequently extended under a planning permission granted in 1987¹ for a kitchen and garage extension and conversion of roof area to bedrooms and bathroom. A further permission was granted in 2014² for first floor and two storey front and rear extensions to form a garden room, storeroom, bathroom, bedrooms and a new dormer to rear. The Council's position is that the dwelling was not developed in accordance with the 2014 permission. Indeed, the appellant accepts that the 2014 permission has not been implemented.³
8. The development constructed on site includes a first floor addition to the north-western side with a front and rear facing gable; a single, wide dormer to the front roof slope and an enlarged, flat roofed dormer to the rear roof slope, all of which have been clad in grey uPVC timber effect panelling. The main roof ridge has also been raised and includes an additional section adjacent to the pitch of the first floor side extension.
9. These works differ from the approved 2014 scheme, which did not include the wide front dormer but would have retained three separate, pitched roof dormers. Both the ridge of the first floor extension and that across the rest of the dwelling are indicated to be higher than the scheme approved in 2014, by 900mm and 120mm, respectively. A front porch was also approved but does not form part of the current proposals. At the rear, the 2014 permission included the widening and addition of a monopitch roof to a dormer originally added under the 1987 permission. However, the dormer as built is a larger structure with a flat roof and a deeper profile extending over the majority of the rear roof slope. The 2014 scheme also included a rear two storey projection replacing the existing conservatory which has not been constructed, with the rear wall of the first floor addition stopping at the original rear wall and merged with the face of the rear dormer. The ground floor conservatory is also still in place.
10. It is clear that the dwelling has undergone significant extension from its original form. Whilst the appellant points to the extensions as built being smaller in scale than those approved in 2014, the assessment of whether additions are disproportionate is in relation to the *original* building. In this

¹ Council Ref L870268, granted 29 June 1987

² Council Ref 14/00494/FUL, granted 7 July 2014

³ Appellant's Statement of Case - Vista Planning, Paragraph 6.26

respect, the Council calculates the floorspace of the dwelling as built to be 235sqm, an increase of some 161%, and the volume to be 724m³, an increase of some 81%. The greater increase in floorspace can be attributed to the fact that a first floor level was created in part by using the existing volume of the roof space. Nonetheless, a more than doubling in the amount of floorspace and a nearly doubling in volume are significant, by any reasonable measure. In my view, when compared to the modest size and form of the original bungalow, plans for which have been provided in evidence, the cumulative extensions represent disproportionate additions over and above the original building. The proposal would therefore represent inappropriate development in the Green Belt, contrary to Policy NR2 of the LDLPS and the approach of the Framework.

11. In reaching a view, I note that the Council reached a similar conclusion with respect to the scale of extensions proposed in 2014, albeit in that case the Council concluded that very special circumstances were demonstrated to justify inappropriate development in the Green Belt. I address whether very special circumstances exist in this case below.

Effect on Openness and Green Belt Purposes

12. 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 their permanence. Openness in terms of the Green Belt has a spatial aspect and a visual aspect.
13. The appellant accepts that the 2014 permission was not implemented and, given the passage of time, is no longer extant. Therefore, for the purposes of assessing the effect on openness, it is necessary to consider the last lawful extent of development. On the evidence before me, that is the dwelling as it existed following implementation of the 1987 permission.
14. The development for which permission is sought is demonstrably greater in volume and massing than the 1987 scheme, principally due to the addition of the first floor extension to the north-western side of the dwelling, the raising of the roof ridge heights, the elongated front dormer and the enlarged rear dormer. Given this additional massing is concentrated to the upper level of the dwelling, it has created a more conspicuous structure spanning the full width of its plot and which is clearly visible from neighbouring properties and public vantage points on Ford Lane and the public footpath which runs alongside the village hall. In both spatial and visual terms, therefore, the appeal scheme results in a demonstrable loss of openness.
15. In respect of the purposes of the Green Belt, I accept that the development is contained within an established residential property and largely within the existing footprint of the dwelling, with no development which would extend over undeveloped parts of the site. As such, it would not lead in any substantive way to encroachment of development into the countryside and would not impact on this or any other Green Belt purpose.
16. However, the loss of openness from the increased massing of the dwelling is still a matter weighing moderately against the proposal, in addition to the harm by way of inappropriateness.

Other Considerations

17. The appellant argues that the works as constructed are smaller in terms of overall size compared to the 2014 permission, and that other considerations put forward in support of that proposal to demonstrate very special circumstances are also capable of applying to the present appeal. As already set out, the appellant accepts that the 2014 permission was not implemented. It does not therefore represent a realistic fall-back position for the appellant and therefore attracts very limited weight as a material consideration.
18. Moreover, I do not have full details of the evidence advanced under the 2014 application which informed the Council's conclusion that very special circumstances existed to justify inappropriate development. The excerpts from the officer report I am provided with refer to potential alternative extensions under permitted development (PD), but I do not have full details of what was proposed and cannot be certain that they are comparable. It also appears weight was given to elements of the actual proposal, namely the pitched roof of the rear dormer and the porch, either falling within the parameters of PD or close to them. No such justifications are offered for the works as built on site. Therefore, I place limited weight on the justifications given by the Council in 2014, which it has itself questioned the robustness of due to a lack of clarity as to the figures used by the planning officer. Ultimately, it is necessary to consider each proposal on its own merits, and I have assessed the scheme based on the considerations now put forward by the appellant.
19. These considerations relate to potential PD extensions, comprising a hip-to-gable extension to the north-western side of the dwelling⁴, a potential additional storey⁵ and a rear extension of up to eight metres depth.⁶ These are proposed as additions to the building as it stood prior to the works undertaken without planning permission, i.e. the post-1987 dwelling. The appellant posits that these alternative works would present an equivalent degree of effect on openness as the development for which permission is sought, and that the potential value they would add to the property, coupled with the appellant's occupation as a builder, makes it a genuine and realistic prospect of them being implemented, even though it would require a considerable amount of demolition and reconstruction of the dwelling.
20. However, with respect to the hip-to-gable extension, development under Class B is not permitted where the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres in the case of a non-terraced house. The roof space has already been extended to the other side through the 1987 permission, by some 68m³ according to the Council. As such, the evidence indicates that any further extension of the volume of the roof would not satisfy this requirement and would not be a realistic fall-back option. In any event, the 'hip-to-gable' option advanced by the appellant would omit the two storey front gable element and the enlarged front and rear dormers. It would therefore have a smaller massing overall and would not represent a more harmful development in comparison with the appeal scheme.
21. The appellant has provided no plans or other detail of what an additional storey under Class AA may comprise, but this PD right is attended by a number of

⁴ Under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO)

⁵ Under Schedule 2, Part 1, Class AA

⁶ Under Schedule 2, Part 1, Class A, Paragraph A.1.(g)

specific limitations and I have nothing in evidence that would indicate each of these would be satisfied. It is also subject to a prior approval process, and therefore there is no certainty that a scheme would be permitted. In the absence of any plans, I am also doubtful that such a scheme would be achievable alongside a hip-to-gable proposal, given they would relate to the same part of the building.

22. Larger rear extensions are also subject to a prior approval process and therefore it is not a certainty that an extension could be developed to the full 8 metres depth. The width and height of the extension would also be required to meet the limitations of Class A. It is not within the scope of this appeal to determine if such options would actually amount to PD but having regard to the general limitations imposed by Class A, any rear extension would be required to be low in height and limited in depth to four metres without requiring prior approval. This would not have the same visual impact as the massing added at roof level. Additionally, the plans provided for the hip-to-gable extension show further rear extensions to ground and first floor level which would appear to partly overlap with the location of the single storey rear addition.
23. In the absence of firm evidence, such as lawful development certificates, the appellant has not substantiated that the proposed alternative works would be achievable under PD. Moreover, the plans before me do not show a coherent overall scheme. Even if I were to accept that the proposals for which plans have been put to me could be undertaken in the alternative, I am not persuaded that they would cumulatively result in greater visible massing that would be demonstrably more harmful than the development applied for, both in terms of spatial and visual impact. I afford limited weight, therefore, to these matters as material considerations.
24. The Council did not refuse the proposal in terms of the effect on character and appearance. Whilst noting the points raised in objection by a neighbouring resident, I saw the surrounding area to contain a variety of designs and facing materials. The more contemporary appearance created through the use of grey uPVC cladding and dark window frames may not reflect the original appearance of the dwelling, but I am satisfied that within a context of individually designed dwellings, the overall form of the building would not upset a consistent pattern or otherwise jar with surrounding development. Therefore, I find the effect of the proposal on character and appearance to be a neutral matter in the overall planning balance.
25. The Council did not identify harm with respect to neighbours' living conditions. I have noted the concerns raised by neighbouring residents. On site, the rear first floor includes three sets of French doors which would afford views over parts of the neighbouring gardens to either side and if retained would likely have Juliet balconies for safety which may encourage their use by occupants and increase the prevalence of overlooking. However, the appeal proposes to replace these doors with standard windows. This would provide levels of outlook similar to that which previously existed from the rear dormer windows and reduced the likelihood of invasive overlooking from open French doors.
26. In addition, though adding massing to the upper level, the development would be contained within the general front and rear building lines of dwellings on this side of Ford Lane and would not result in harmful levels of overbearing or enclosure to neighbouring occupants. Finally, proposals to increase the height

of the chimney stack would help to mitigate concerns over fumes permeating into neighbouring dwellings. Therefore, these are not matters weighing against the proposal.

27. I have had regard to other concerns raised by interested parties relating to wider matters of sustainability, building regulations, housing need, pressure on local services, biodiversity and the effects on the Cannock Chase Area of Outstanding Natural Beauty and Special Area of Conservation. Noting the Council's assessments in these matters, where no harm has been alleged, I have not identified reasons to depart from the conclusions reached. As such, I am satisfied that these matters do not raise additional material harms to be weighed into the overall planning balance.

Whether very special circumstances exist

28. The proposal would cause harm to the Green Belt by way of inappropriateness and loss of openness, to which I afford substantial weight in accordance with the Framework, which adds that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
29. For the reasons set out above, I give only limited weight to the material considerations advanced in support of the proposal and conclude that, taken together, they do not clearly outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.

Conclusion

30. The proposal would result in conflict with the development plan, taken as a whole. Material considerations in this case do not indicate that permission should nevertheless be forthcoming in spite of this conflict.
31. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR