



Appeal Decision

Site visit made on 11 March 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/Y3425/D/23/3331476

93 Hilderstone Road, Meir Heath, Staffordshire ST3 7NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr James Platt against the decision of Stafford Borough Council.
 - The application reference is 23/37448/HOU.
 - The development proposed is the erection of a two-storey front/side extension and single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The planning application was submitted in the name of Mr James Platt, while the appeal form gave the name of the applicants as "Mr and Mrs James Platt". The appeal proceeds in Mr Platt's name only; as the Procedural Guide¹ makes clear, only an applicant named on the planning application can ordinarily make an appeal. This matter has had no practical bearing on my determination of the appeal.
3. The proposed development was described on the planning application form as:
"Extension and Alterations to 93 Hilderstone Road, Meir Heath: Single Storey Rear Extension to provide an open plan kitchen dining and living space. Internal Alterations to provide home office, utility, boot room and first-floor ensuite. Two Storey Front Extension to provide replacement double garage and bedroom extension. Existing Roof finish is to be replaced to allow for additional insulation."

An amended wording was used on the Council's decision notice; I have used that in the banner heading above as it provides a much more concise description of the proposal.
4. The appellant submitted a set of revised drawings showing a range of amendments to the scheme, which their appeal statement indicated had formed part of a new planning application (which I refer to hereafter as "the second planning application")². That is in line with the Procedural Guide's advice that "if an applicant thinks that amending their application will overcome the LPA's reasons for refusal, they should normally make a new planning application". However, they went on to invite me have regard to those

¹ Procedural Guide: Planning appeals – England, online at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england>

² LPA Ref: 23/37994/HOU

amended drawings, and to approve them in the event of my allowing the appeal.

5. The Procedural Guide advises that “it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage”. There is nothing before me to indicate the views of either the Council or any other party on the amended scheme. I have not therefore taken the revised plans into account in my decision, as to do so may prejudice other parties; I have instead made my decision based on the plans which were considered by the Council when it determined the planning application.
6. The Government published revised versions of the National Planning Policy Framework (“the Framework”) on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

7. The appeal site lies within the Green Belt, and accordingly I consider that the main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposed front/side extension on living conditions for the occupiers of the neighbouring property at No 95 Hilderstone Road, with particular regard to privacy, and whether it would be overbearing or would cause unacceptable overshadowing; and
 - If the development is inappropriate, 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

8. The appeal property is a detached dormer bungalow in a semi-rural setting. It is one of a group of ten dwellings set back from Hilderstone Road and accessed by a narrow, unmade private road parallel to the main road. The entire site is within the Green Belt. The proposed development is a two-storey front extension, which would create a new double garage on the ground floor and master bedroom above (along with other internal alterations), and a single storey “orangery” at the rear of the house.

Whether inappropriate development in the Green Belt

9. The Government attaches great importance to Green Belts. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific

circumstances, while Paragraph 154 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 154 c), 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"; the Framework does not define the extent of additions which may or should be considered disproportionate.

10. Policy E2 of the 2014 Plan for Stafford Borough 2011—2031 ("the PfSB") sets out the approach to sustainable rural development in the borough, and indicates that development within the Green Belt will be "controlled in accordance with national guidance". Policy C5 of the PfSB addresses residential development in locations outside identified settlements, including the Green Belt. Among other things, C5 states that "extension or alteration of an existing building should not result in additions of more than 70% to the dwelling as originally built", unless "the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area"; it therefore provides a local interpretation of what may be considered a "disproportionate addition". As far as this appeal is concerned, both of these policies reflect, and are consistent with, the provisions of the Framework.
11. By the Council's calculation, the dwelling had an original floor area of 197.4m². The appellant indicates that, as part of the second planning application, they submitted calculations indicating that this appeal scheme would mean the floor area of the dwelling having increased by 74%, and its volume by 50%, over the size of the original building. Those calculations have not been put before me in the appeal evidence but, nevertheless, it is clear from the appellant's evidence that the total increase on the original floor area of the dwelling would exceed the generous threshold set out in Policy C5.
12. Looking beyond the floorspace calculations, taken on its own it appears that the proposed front extension would be a substantial addition, and the orangery would add further volume at the rear. There are no drawings before me showing the original extent of the building, but it is clear to me the proposed development would represent a considerable enlargement of the property as it currently stands.
13. Taking all this together, I cannot be satisfied that the proposed extensions would not be a disproportionate addition over and above the original building. Consequently, the development would not fall within the exception described in Paragraph 154 c) of the Framework, and would be inappropriate development in the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance as required by Paragraph 153 of the Framework. The development would also conflict with Policies E2 and C5 of the PfSB, which seek to protect the Green Belt within the borough in line with national policy.

Openness of the Green Belt

14. A fundamental aim of Green Belt policy, set out Paragraph 142 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The baseline for considering the effect on openness, which is the absence of development and

which has both a spatial and visual aspect, must be what currently exists at the site.

15. The proposed extensions would increase the amount of built form on the appeal site, and would therefore reduce the spatial openness of the Green Belt. They would also increase the depth of the appeal property. This additional built mass would be visible in some public views from Hilderstone Road, although the dense hedgerow between the main road and private shared road would provide some screening. Nevertheless, there would also be a loss of visual openness of the Green Belt.
16. Given the size of the proposed extensions in the context of the Green Belt as a whole, as well as the limited and localised nature of the visual and spatial impacts, I consider that the development would cause only moderate harm to the openness of the Green Belt. Once again though, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Character and appearance

17. While the front elevations of No 93 and its immediate neighbours are not on a single building line, there is nevertheless a broad degree of alignment arising from the similar depths of front gardens and distances by which dwellings are set back from front boundaries. The proposed two-storey front extension would project a significant way forward of the main front elevation of the appeal property, and those of its neighbours. It would be a large and intrusive feature, overwhelming the front of No 93 and conflicting with advice in the Council's 2018 *Design Supplementary Planning Document* that "significant extensions projecting forward of the front elevation will not normally be permitted due to their effect on the streetscene", and that "garages should not unduly dominate the front façade of dwellings".
18. The Council considered that the rear extension would be a proportionate and acceptable addition, with no harmful impact on the character of either the dwelling or the wider area. I was not able to view the rear of the property at the time of my site visit, but none of the evidence before me leads me to a different view on this point. This does not outweigh the other harm which I have found.
19. I conclude that the proposed development would be harmful to the character and appearance of the area. It would conflict with Policy N1 of the PfSB which seeks to ensure that development exhibits high-quality design by, among other things, taking into account local character and context, and strengthening the continuity of street frontages. It would also conflict with the provisions of Paragraph 135 of the Framework, which seek to ensure that developments are visually attractive, sympathetic to local character, and maintain a strong sense of place.

Living conditions

20. The proposed front extension would be towards the south end of No 93, close to No 95. The appeal property is bounded on that side by a high evergreen hedge. I saw on my site visit that No 95 has a detached garage adjacent to the boundary with the appeal property, which separates the nearest habitable room from No 93.

21. As the appeal property is north of No 95, I am satisfied that there would be no harmful overshadowing as a result of the development. While the proposed front extension would be a considerable size, as a result of the distance by which it would be separated from the nearest habitable rooms within No 95, and the proposed pitched roof form along its southern side elevation, I am satisfied that it would not be harmfully overbearing.
22. As part of the reconfiguration of the existing dwelling, a window opening would be created on the first floor of the side elevation nearest to No 95, to serve a new ensuite bathroom. Though not referred to in the decision notice, the Council's officer report also expressed concern about the development's impact on the privacy of the occupiers of No 95 as a result of overlooking. However, had the proposal been acceptable in all other respects I am satisfied that the use of a condition requiring that window to be glazed with obscure glass would be sufficient to ensure that no harmful loss of privacy would arise.
23. I conclude that the proposed development would not cause unacceptable harm to living conditions for the occupiers of the neighbouring property at No 95 Hilderstone Road. In this respect it would therefore comply with Policy N1 of the PfSB, which among other things requires development to take account of the amenity of neighbouring residential areas. There would also be no conflict with the provisions of Paragraph 135 of the Framework, which seek to ensure that development functions well.

Other considerations

24. The appellant has stated that, although an alternative scheme has been put forward as I have described above, they would prefer the larger forward extension proposed in this case as they have two classic cars, and it is a struggle to get them into the existing garage. While I recognise that this would be an advantage to the appellant, it is however essentially a matter of personal preference, and an argument which can therefore carry only limited weight in favour of the proposal as a whole.

Other Matters

25. I understand that the Council granted a lawful development certificate for the proposed rear "orangery" extension in September 2023³, though I have not been provided with further details. In any case however, that does not alter my conclusion in this appeal, which relates to the proposed development before me as a whole. At the same time, my conclusion in this appeal does not affect the LDC issued by the Council.
26. I note the concerns which the appellant has raised about the Council's handling of the planning application, including matters relating to delays and communication problems. These are not directly related to the planning merits of the proposal, and have had no bearing on my determination of the appeal.

Planning Balance and Conclusion

27. The proposed development would be inappropriate development in the Green Belt, and would cause moderate harm to the openness of the Green Belt, conflicting with Policies E2 and C5 of the PfSB which seek to protect the Green Belt. These are matters to which I attach substantial weight, as required by

³ LPA Ref: 23/37993/LDCPP

Paragraph 153 of the Framework. In addition, the proposed extension would cause some harm to the character and appearance of the area, and there would be further conflict with the development plan in this regard.

28. The proposed development would not be harmful to neighbours' living conditions, but a lack of harm in this respect is a neutral factor in the overall balance. I have considered and weighed the other considerations in the scheme's favour which have been put to me by the appellant, but for the reasons I have described above these carry only limited weight for the proposal.
29. The substantial weight to be given to the Green Belt harm, and the other harm arising from the development identified above, is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector