



Appeal Decision

Site visit made on 2 July 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/V4630/D/23/3335571

617 Sutton Road, Walsall WS9 0QH

- 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 Ashok Kumar against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 23/0161.
 - The development proposed is a single storey front extension for garage conversion and porch, first floor and part single part two storey rear extension with loft conversion and extension over two storey rear with dormer.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of development on the application form is for "ground floor extensions and loft conversion". As the proposal includes extensions at the first-floor level, I have used the description of development from the decision notice, as this more accurately describes it.

Main Issues

4. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; and c) the living conditions of the occupiers of neighbouring properties with particular regards to outlook and light; and d) if it 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 for the Recommendation

Inappropriate Development

5. The National Planning Policy Framework 2023 (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances as listed in paragraphs 154 and 155. Policy GB1 of the Walsall
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Site Allocation Document 2019 (WSAD) is consistent with the Framework as it includes a general presumption against inappropriate development. Paragraph 154 c) allows for 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. Neither the Framework nor GB1 define 'disproportionate'.

6. The appeal property is a two-storey detached dwelling which has been previously extended. When taken together, the Council states that the previous and proposed extensions would increase the floorspace of the original property by 139%. The appellant contends that the increase would be 129%. Even if I were to take the lower figure, this would still represent a very sizeable cumulative uplift.
7. Size can be more than a function of floorspace. In this case, the scale, bulk and mass of the building has already been considerably increased through the previous additions. The appeal scheme would increase the massing and scale of the dwelling by a further not insignificant amount. Consequently, and taking all of the above into account, the combination of the previous and proposed extensions would amount to disproportionate additions over and above the size of the original building. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt. This would result in conflict with both the Framework and, by association, GB1, the aims of which I have set out above.

Openness

8. Openness is an essential characteristic of the Green Belt. Planning Practice Guidance explains that openness can have spatial and visual aspects. The land take and mass of the proposed extension, despite its contextually modest size, would take up otherwise undeveloped space in the Green Belt. As such, there would be an unavoidable reducing effect on the spatial aspect of its openness. There would be a more limited effect on the visual aspect given the built-up nature of the immediate area. Overall, and taking into account one of the fundamental aims of Green Belt policy being to keep land permanently open, the appeal scheme would reduce the openness of the Green Belt. This would also conflict with the Framework. This harm would be in addition to that caused by the proposed development's inappropriateness.

Living Conditions

9. The two-storey element of the proposed rear extension would have the appearance of a three-storey extension with a flat roof when viewed from the kitchen window at No 619. Although this part of the extension would be set away from the boundary, it would still dominate the view from this kitchen window and, given its height, it would cause an overbearing impact to the users of the kitchen. Furthermore, as the extension would be to the west of No 619, it would likely result in an unacceptable increase in overshadowing of the kitchen window during the late afternoon and evening.
10. Owing to the modest height of the single-storey element of the rear extension and its slight inset from the boundary, I am satisfied that this would not have any significant impact on the kitchen window or garden area of No 619.
11. The rear extension would also project close to the shared boundary with No 615 and would extend beyond its two-storey rear elevation. Building work is in

progress at No 615, with a large boarded-up area covering the possible position of what would be the nearest first floor window to the appeal property. The proposed rear extension would be visible from this potential first floor window. However, due to its position relative to the proposed extension and as the rear-most part of the extension would be set in slightly from the boundary, along with the open outlook from the potential window down the rear garden of No 615, I am satisfied that the proposed rear extension would not be overbearing in the outlook from this window and would be unlikely to make the room it would serve less pleasant to use as a result.

12. Overall, the proposal would cause harm to the living conditions of the occupiers of No 619 through an unacceptable loss of outlook and overshadowing. The proposal would therefore conflict with Saved Policy GP2 of the Walsall Unitary Development Plan 2005 (UDP), insofar as it requires, amongst other things, development to not have an unacceptable adverse impact on a neighbouring property.

Other Considerations

13. I understand the appellant's desire to provide additional living space and I afford this moderate weight. No substantive details of any planning permission for the building works at No 615 have been provided, so I am unable to compare the reasons for granting permission here and refusing it in the scheme before me. As such I cannot be certain that the circumstances at No 615 are directly comparable to the appeal scheme. I therefore afford this matter limited weight. Any development relating to the nearby commercial or industrial buildings further would not be assessed against paragraph 154 c) of the Framework, which relates to house extensions, and therefore would not justify the proposal before me.

Conclusion and Recommendation

14. The proposed extensions would cause harm to the Green Belt by way of inappropriateness and through reducing openness, to which substantial weight should be afforded. There would also be harm to the living conditions of neighbours. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Those I have identified would not attract sufficient weight to clearly outweigh the totality of the harm and subsequent development plan conflict. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
15. There are no material considerations, including the approach of the Framework, which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

Darren Ellis APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

John Morrison INSPECTOR