

Appeal Decision

Site visit made on 20 August 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2024

Appeal Ref: APP/C3430/D/24/3338208

2 Long Birch Cottages, Port Lane, Coven, Staffordshire WV9 5BE

- 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 & Mrs G Powell against the decision of South Staffordshire District Council.
 - The application Ref is 23/00838/FULHH.
 - The development proposed is replacement sun room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness and purposes of the Green Belt and the character and appearance of the area; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 154. Such exceptions include 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.
4. Policy GB1 of the South Staffordshire Core Strategy (2012) (CS) broadly conforms to the general thrust of the Framework. It states that planning permission will normally be permitted within the Green Belt where the

proposal is for certain purposes, including alteration of an existing building where the extension or alterations are not disproportionate to the size of the original building.

5. Neither the Framework nor Policy GB1 define what is meant by a disproportionate addition. However, the Green Belt and Open Countryside Supplementary Planning Document (SPD) states that anything above a 20-40% increase of footprint over the original footprint will be likely to be disproportionate.
6. The Council and the appellant do not agree on the percentage increase of the original dwelling as proposed. The Council have calculated that the proposed development, together with existing alterations and extensions, would result in an increase of floor area of 72%, and 85% if the overhang of a canopy is included. The appellant indicates that the proposal, in combination with previous additions, would amount to a 40% increase in floor area of the original building when the canopy is not included.
7. Quantitative measurements are useful to assess whether extensions amount to a disproportionate addition to an original building. However, their scale, bulk, massing, and height are also relevant to such an assessment. In this respect, the proposed extension would almost double the width of the original building and, with the existing additions, would wrap around two sides of the semi-detached dwelling. This would amount to a significant increase in floor area and create a continuous spread of building across most of the plot width. Accordingly, even if the proposed and existing extensions in combination would not exceed 40% above the size of the original dwelling they would, nonetheless, result in a disproportionate addition to it.
8. For these reasons, the proposed development would be inappropriate in the Green Belt which is, by definition, harmful. It would therefore conflict with CS Policy GB1, the SPD, as well as the Framework.

Openness and character and appearance

9. Paragraph 142 of the Framework states 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 their permanence.
10. The proposed extension would not be prominent in views from the public bridle path that passes the appeal site, due to its single storey nature. Nevertheless, it would increase the scale and massing of the dwelling and would introduce built form where there is currently none. Consequently, the proposal would result in a moderately harmful visual and spatial loss of openness of the Green Belt.
11. Whilst the existing semi-detached property has been extended, it remains modest in its scale and massing and broadly in balance with the attached dwelling. The width of the proposed extension, which as referred to above appears to be almost double that of the original dwelling, would be excessive and, despite it being single storey, would result in a dominant and harmful addition to the dwelling. For the same reasons it would also create an imbalance in the pair of properties to the detriment of the character and

appearance of the host property and the area. Moreover, the impact of the extension would be accentuated by the canopy on the front elevation, and its proximity to the side boundary.

12. On this issue, I conclude that the proposal would result in a loss of openness in the Green Belt, which conflicts with paragraph 142 of the Framework. It would also be harmful to the character and appearance of the area which would be contrary to CS Policy EQ11 which expects development to respect local character and distinctiveness.

Other considerations

13. The appellant sets out a possible fall-back position, namely the construction of domestic outbuildings under permitted development (PD) rights. The consideration of a fall-back position, including what could be erected under permitted development, is a well-established principle. However, for a fall-back position to weigh heavily in favour of a proposal there shall normally be a real prospect of a closely comparable form of development occurring.
14. I acknowledge that a sizeable outbuilding could be constructed without the need for planning permission. Nonetheless, I am unconvinced that a single storey outbuilding which would be separate and detached from the house, would provide comparable accommodation to that proposed in this appeal. It has not, therefore, been demonstrated that a comparable development to the appeal proposal, in the form of an outbuilding, could be brought forward under PD rights should planning permission be refused. Consequently, this would have limited weight in favour of the appeal proposal.
15. Planning permission has been granted for an extension of similar design to the appeal proposal, but with a width that is approximately 1 metre smaller. As such, it would have a smaller footprint, scale and massing compared to the appeal proposal and would have a notably more limited impact on the openness of the Green Belt. Furthermore, its narrower width would also ensure that it would appear as a subservient addition to the dwelling and would not harm the character and appearance of the property or the wider area. It would not, therefore, be closely comparable to the appeal proposal and, accordingly, I attribute limited weight to the permitted extension as a fallback position.

Green belt balance

16. Paragraph 152 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
17. The appeal scheme has harmful implications for the Green Belt as it is inappropriate development and would erode its openness. It would also be harmful to the character and appearance of the area.
18. The other considerations I have identified are of limited weight in favour of the proposal. Consequently, these considerations, do not clearly outweigh the substantial weight to be given to the identified harm to the Green Belt,

either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

19. The proposals conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
20. As such, I conclude that the appeals should be dismissed.

Elaine Moulton

INSPECTOR