



Appeal Decision

Site visit made on 20 December 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 December 2024

Appeal Ref: APP/V4630/D/24/3347819

830 Chester Road, Walsall, WS9 0LS

- 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 DILJIT SINGH against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 23/0584.
 - The development proposed is Retrospective application for a first-floor side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed extension has already been built and completed. I shall take this into consideration within the appeal.
3. A new version of the National Planning Policy Framework (the Framework) was published 12 December 2024. I have not sought comments from main parties on this matter, as the changes made to the Framework have not had a material bearing on the issues raised in this appeal.

Main Issues

4. 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 on the openness of the Green Belt;
 - the effect of the proposed extension on the character and appearance of the area, 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 very special circumstances to justify it.

Reasons

Inappropriate development

5. The appeal site is within the West Midlands Green Belt. Policy GB2 of the Walsall Site Allocation Document [2019] (SAD) states that inappropriate

development, as defined by the Framework, will not be supported in the Green Belt unless 'very special circumstances' exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. Furthermore, policy CSP2, of the Black Country Core Strategy [2011](CS) identifies that Green Belt boundaries will be maintained and protected from inappropriate development.

6. Paragraph 154, of the Framework, establishes that development in the Green Belt would be inappropriate unless it would meet a listed exception. Paragraph 154(c) explains that the extension or alteration of a building would not be inappropriate provided that it would not result in a disproportionate addition over and above the size of the original building. The term 'disproportionate' is not defined in the Framework, but this can relate to the volume or floorspace of the building, with the effect on the overall scale of the building, including any changes to its roof form, being an important factor.
7. The officer report estimates that the original dwelling had a floorspace of around 104m² and that previous additions and the proposal would result in an increase of floorspace of around 183%. Neither party has provided the floorspace nor percentage change of the proposal alone. However, the plans demonstrate that the proposed first floor would be around 47m², resulting in an increase of around 49% from the Council's stated floorspace of the original dwelling. This clearly represents a sizeable increase in floorspace and would be in addition to the already substantially extended dwelling. The roof has been altered to accommodate the first-floor addition, significantly increasing the overall mass of the building.
8. In comparison to the scale of the original dwelling and its previous additions, the proposed first-floor extension would not be a small or subordinate extension. Consequently, in combination with previous extensions, the proposed addition would form a disproportionate addition to the original dwelling in conflict with paragraph 154(c) of the Framework.
9. As it has not been demonstrated that the proposal would be any of the exceptions listed in the Framework, it would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Effect on openness

10. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and its essential characteristics are therefore its permanence and openness. Considerations of openness have both visual and spatial aspects.
11. The site is close to existing dwellings and a used car dealership that includes a range of large buildings. However, the existence of existing buildings in the Green Belt close to the appeal site has only a limited bearing on the effect on openness conveyed by the proposal. The appeal dwelling is within a large plot, adjacent to several other dwellings, to its side and rear, but is otherwise in the open countryside. The proposed first-floor addition is clearly visible from the highway and partially from Black Lane to the side.
12. The extended building has a significantly greater first-floor and roof mass than the previously extended building and the original building, resulting in both a

modest harmful adverse visual and spatial effect on the openness of the Green Belt. This would therefore fail to preserve the openness of the Green Belt. The Framework advises, at Paragraph 142, that openness is an essential characteristic of Green Belts, and the appeal proposal would therefore cause moderate harm in this regard.

Character and appearance

13. The appeal site is at the junction of Chester Road and Black Lane in the open countryside. The area around the junction includes a small cluster of two storey dwellings which are also alongside the used car dealership to the southeast of the site. The appeal dwelling is of traditional design that has been carefully, albeit extensively, extended with a number of additions. It is a white render building with a concrete tiled roof and dark window frames. It stands within a generous plot with planting to its front and side boundaries. Due to the sense of spaciousness within the plot and provision of planting, the site makes a positive contribution to the rural character and appearance of the surrounding area.
14. The proposed first-floor extension consists of matching materials and has been blended with the design of the rest of the dwelling. Although it seems that the concrete grey roof tiles are a relatively recent addition, these are used consistently across all roofs of the dwelling and therefore are wholistic. This type of roof material is different to many of the red and brown clay tiles seen locally. However, the Council has not indicated that the area is subject to a character assessment or consists of buildings of a singular homogeneous design. Furthermore, whilst the architectural vernacular in the area seems to be traditional in style, it is also rather eclectic, where a range of designs and styles can be seen locally. The Council has also not indicated that the replacement of roof tiles, in this area, requires its specific consent and thus this choice of material is acceptable in this context.
15. Consequently, the proposed extension complements the character and appearance of the rest of the dwelling and the surrounding area. Accordingly, the proposal complies with CS policies CSP4 and ENV2, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan, and the 'Designing Walsall' SPD. These seek development to demonstrate a clear understanding of an area's local distinctiveness and take into account the local character of the area.

Other considerations

16. The appellant has noted that the appeal dwelling is adjacent to existing housing that appear to be comparable in size to the extended appeal dwelling. However, the Framework requires a proposed extension to be proportionate in size to the original dwelling, any existing adjacent development does not therefore form part of this assessment.

Whether there would be Very Special Circumstances

17. Paragraph 153 of the Framework sets out the general presumption against inappropriate development within the Green Belt. This explains that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist

unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

18. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
19. On the other hand, the other considerations I have identified are of negligible weight in favour of the proposal. As such, the harms to the Green Belt, including harm to openness, are not clearly outweighed by the other considerations identified. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

20. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR