



Appeal Decision

Site visit made on 4 March 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/P1805/D/24/3350725

55 Belbroughton Road, Clent, Worcestershire DY9 9RD

- 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 Matthew Beale against the decision of Bromsgrove District Council.
 - The application Ref is 24/00002/FUL.
 - The development proposed is side two storey extension to house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

3. 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 of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the host property and wider area;
 - the effect of the proposal on protected species, specifically bats; 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 proposal.

Reasons

Whether inappropriate development

4. The appeal site is located within the Green Belt. Paragraph 154 of the Framework sets out that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in a few exceptions including (c) the

extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

5. Policy BDP4 of the Bromsgrove District Plan 2011-2030 (BDP) also considers the development of new buildings in the Green Belt to be inappropriate, except in certain circumstances. This includes extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² ('original' dwelling plus extension(s)) provided that this scale of development has no adverse impact on the openness of the Green Belt.
6. The Framework does not define disproportionate but nevertheless, Policy BDP4 is broadly consistent with the Framework's approach to enlargement of existing buildings in the Green Belt.
7. The proposed extension is large. Indeed, the Council identify that it would result in a 63.42% increase in floor area over and above the original dwelling. The proposal would therefore amount to a disproportionate addition over and above the size of the original dwelling.
8. The proposed development would therefore be inappropriate development, which is, by definition, harmful to the Green Belt.

Openness

9. The Framework emphasises that a 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 position of the proposed extension, as well as its scale, would result in it being highly visible from certain vantage points along Belbroughton Road and Pool Furlong, due to the property occupying a prominent corner plot position. As such, even though existing garden hedgerows and mature trees would provide some screening of the proposal, it would have an impact on the visual openness of the Green Belt.
11. Likewise, the proposed extension, due to the two-storey height, large width and depth, including forward and rear projections, would be a substantial extension to the property. It would also occupy garden land that is largely free from buildings and other structures. Therefore, the proposal would have an impact upon the spatial openness of the Green Belt.
12. Consequently, the proposed extension would materially reduce the spatial and visual openness, and there would be moderate harm to openness at a localised level to which I attach substantial weight in accordance with the Framework. The harm to openness would be in addition to the inappropriateness of the proposal.

Character and appearance

13. The existing dwelling forms a pair of semi-detached dwellings that front Belbroughton Road. There are other semi-detached dwellings in the immediate locality which have a similar appearance to the appeal property and the adjoining house.

14. A key feature of the semi-detached dwellings is double storey projecting gable features on the front elevation, which add visual interest to the appearance of the dwellings.
15. The proposed extension seeks an additional two-storey front projecting gable feature, as well as a similar feature at the rear. While the front gable feature attempts to achieve a symmetrical design, it would nonetheless introduce an additional gable feature, which would imbalance the pair of semi-detached dwellings.
16. Likewise, the size and height of the projecting gable features would exacerbate the bulk and mass of the proposed extension, increasing its visual dominance. Therefore, even though a break in the ridgeline is achieved, the proposal would be an overly dominant addition, which would overwhelm the original dwelling. As a result, it would not be a subordinate extension.
17. Although the garden hedgerow and mature trees on the front boundary would screen views of the proposal from certain vantage points along Belbroughton Road, it would be highly visible and dominant from others. Particularly from Pool Furlong, due to its prominent position and a difference in ground levels, which would result in open views of the proposed extension from the road. As a result, the proposed extension would be an incongruous development.
18. For the reasons outlined above, I conclude that the proposal would be harmful to the character and appearance of the area. Therefore, the proposed development would not accord with Policy BDP19 of the BDP, and the guidance set out in the High-Quality Design SPD. These, together and amongst other things, seek to deliver high quality design and extensions which are subordinate in size and prominence and protect the existing dwelling.

Ecology

19. A Preliminary Roost Assessment, August 2024 (the PRA) submitted by the appellant demonstrates that an inspection of the building found no evidence of bats. The PRA also confirms that there were no potential roost features within the building.
20. Consequently, on the evidence before me, I conclude that the proposal would not have a harmful effect on protected species, specifically bats. As such, the proposed development would accord with Policy BDP21 of the BDP, which amongst other things, requires development to take steps to maintain the population of protected species.

Other Considerations

21. The appeal property benefits from a Lawful Development Certificate (LDC)¹ for the construction of a single storey detached garage at the side of the dwelling and a dormer extension in the roof at the rear. The site also benefits from a prior approval² application, granted for a single storey rear extension. The appellant has submitted these as a fallback position.

¹ Reference: 23/01157/CPL

² Reference: 23/01160/HHPRIO

22. I have had regard to the submitted information in respect of this issue, including the case of *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 and two appeal decisions³ submitted by the appellant.
23. The LDC scheme and the prior approval scheme allows for the existing dwelling to be extended, providing additional internal accommodation and a detached garage. In the absence of evidence to the contrary, there is a greater than theoretical possibility that the two schemes might take place as a fallback position should this appeal fail. As such, it is a realistic prospect and constitutes a fallback position. However, for significant weight to be afforded to a fallback position it would also need to be equally or more harmful than the appeal scheme.
24. Plans have been submitted to show the extent of the fallback position compared to the appeal scheme. Volume and footprint measurements have also been provided, which suggest that the volume of the appeal scheme is greater than the fallback position. However, the configuration of the fallback scheme, compared with the appeal proposal, is materially different. In particular, the fallback scheme is for three separate elements. Notably, the dormer window would be modest, set within the roof space and the rear extension would be single storey, set further away from the road. The detached garage would also be modest within the context of the site. Collectively, while they may result in a greater site coverage, loss of garden and a marginal volume increase, the difference between the fallback scheme and the appeal proposal, in those respects, would be negligible. In stark contrast, the proposal would be more visible and dominant compared to the fallback position. As such, the proposal would be more harmful to the visual openness of the Green Belt.
25. Furthermore, there remains the possibility that elements of the fallback scheme could be undertaken in addition to the appeal scheme. This would result in a greater level of cumulative harm to Green Belt openness than the appeal proposal alone.
26. Overall, the proposal would introduce a harmful character and appearance in comparison to the fallback position. I therefore place limited weight on the fallback position.
27. Whilst the appellant would be willing to accept a condition removing permitted development rights (PDR), it has not been demonstrated that other development could be constructed under PDR that would result in greater harm to the Green Belt than the appeal proposal. In any event, if the appeal were allowed subject to such a condition, the removal of PDR would not take effect until permission was implemented. There is no compelling evidence before me that preventing other extensions in future would address the harm to openness identified above. Therefore, such a condition would not be effective in mitigating the impact of the proposal and consequently, would not be reasonable or necessary.
28. The appellant suggests that the proposal would provide better room sizes and internal layout, which would be both economically and environmentally preferable. However, these are private benefits, to which I afford only limited weight.
29. No objections have been raised with regards to impacts on neighbouring amenity, highways or drainage matters. The proposal would also not harm protected

³ Appeal Ref: APP/P1805/D/21/3288648 & Appeal Ref: APP/P1805/W/23/3319860

species. Nevertheless, these are requirements of planning policy and taken together they carry neutral weight.

Green Belt Balance

30. The proposed development would be inappropriate development in the Green Belt, which in line with Paragraph 153 of the Framework is harmful by definition. I have also found that the appeal proposal would reduce the openness of the Green Belt, which also amounts to harm and carries substantial weight. The proposal would also be unacceptably harmful to the character and appearance of the area.
31. I have given some weight to the other considerations in favour of the proposal, including the fallback scheme, as set out above. However, they do not clearly outweigh the harm arising from the proposal. Consequently, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework. It also conflicts with Policies BDP 4 and BDP 19 of the BDP.

Conclusion

32. For the reasons given above, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR