



Appeal Decision

Site visit made on 14 April 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th May 2025

Appeal Ref: APP/C3430/D/24/3357519

65 Kiddemore Green Road, Brewood, Staffordshire ST19 9BQ

- 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 and Mrs Mark and Caroline Brewster against the decision of South Staffordshire District Council.
 - The application Ref is 24/00502/FULHH.
 - The development proposed is conversion and extension of existing garage to create an annex to incorporate a lounge/games room, bedroom/ensuite and attached double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the development and the National Planning Policy Framework (the Framework);
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the site and the surrounding area; and
 - if the development is inappropriate, 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

3. Policy GB1 of the South Staffordshire Core Strategy (December 2012) (the CS) indicates that within the Green Belt, development acceptable within the terms of the Framework will normally be permitted where the criteria listed in Policy GB1 are met. This includes that extensions or alterations are not disproportionate to the size of the original building. This broadly reflects the Framework.
4. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to establish that development in the Green Belt is

inappropriate unless one of the specified exceptions applies. This includes, under part (c) of paragraph 154, 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.

5. The term 'original building' is defined in the Glossary to the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. While I do not know precisely when the original building was built, it is evident from the history of planning consents relating to the site, and my own site observations, that the original building has been extended. This includes the loft conversion (78/01468/FUL), the carport and garage extension (80/00116) and the single storey rear extension (14/00917/EXT). There is also an outbuilding in the rear garden containing a workshop, mower store and log store (21/00967/FUL).
6. In assessing whether the proposal would result in disproportionate additions over and above the size of the original building, previous additions to the original building, in combination, must be considered. In other words, when taken together, would the sum total of existing and proposed extensions to the original building be disproportionate in size?
7. Paragraph 154 (c) is not to be interpreted as being confined to physically attached structures but that an extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension. In other words, it would be unlawful to find that an outbuilding should not be treated as an extension for the purposes of paragraph 154 (c) solely on the basis that it was not linked to another building. Whether a detached structure would amount to an extension of the existing building is a matter of fact and degree. In view of its intended use and siting in relation to the main dwelling, the proposed building would be a domestic adjunct and considered against Policy GB1 and paragraph 154(c) of the Framework. Notwithstanding this, an assessment of proportionality still has to be made.
8. The Council's Green Belt and Open Countryside Supplementary Planning Document (April 2014) (the GBSPD) indicates that anything above the 20%-40% range in floor area of the original building will likely be disproportionate.
9. While I have not been presented with precise measurements, the existing and proposed extensions to the original building, including the outbuilding in the rear of the garden, are likely to exceed the 20%-40% floorspace allowance set out in the GBSPD. This is not least because the appellants indicate that the main dwelling minus the existing garage is currently 230.8 sq. m. The gross internal floor area of the proposed garage would be 90.6 sq. m. This would represent an almost 40% increase in the existing size of the main dwelling. Excluding the loft extension and single storey rear extension from the floor area of the original house and including the outbuilding in the rear garden as part of previous extensions would result in the proposal inevitably exceeding the upper limit of 40%. Therefore, the proposal would result in disproportionate additions over and above the size of the original building.
10. For the reasons given, the proposed development would be inappropriate development in the Green Belt.

Openness

11. Openness is an essential characteristic of the Green Belt that has spatial and visual aspects. The proposed development would substantially increase the volume, bulk and massing of the existing garage. Consequently, the proposal would have a harmful effect on the spatial openness of the Green Belt.

Character and appearance

12. The appeal site relates to a two-storey detached dwelling which is set back from the road with a front garden and driveway and has a large rear garden. The site is within a ribbon of residential properties, the majority of which are semi-detached dwellings, with some that are detached, along this section. Private garages in the existing street scene are characterised by their visual subservience to the main dwellings by virtue of their size, bulk, location and design.
13. While the neighbouring garage is taller than the proposed development because the neighbouring site is on slightly higher ground than the appeal site, the neighbouring garage is nevertheless subservient to its host dwelling by virtue of its proportionate size, complementary design and position in relation to the house.
14. In contrast, the proposal would introduce a building that would be wider than the main dwelling and therefore not visually subordinate to it. Despite its single storey height, sitting on lower ground level and alignment with the principal elevation of main dwelling, the building would nevertheless be visually intrusive and dominating due to its expansive floor area and massing.
15. I acknowledge that the proposal has been designed in response to certain site constraints. However, this does not justify a form of development that would cause demonstrable harm to the character and appearance of the site and its surroundings. The scale, siting and overall massing of the garage would introduce a visually prominent and incongruous structure that would fail to respect the established pattern of development in the area.
16. For the reasons given, the proposed development would harm the character and appearance of the site and the surrounding area. As such, it would conflict with Policy EQ11 of the CS insofar as it requires development to respect local character, contribute positively to the street scene and be consistent with the design guidance set out in the Design Guide Supplementary Planning Document (DGSPD). The proposal would be contrary to the DGSPD insofar as it advises that extensions should be subservient to the main building.

Other Considerations

17. The appellants have pointed to a fallback position in form of a Certificate of Lawfulness granted for a single storey side extension to the main dwelling and a detached two bay garage to incorporate a gym and home office (24/00129/LUP) (the fallback). According to the appellants, the combined size of the side extension and the detached double garage approved as lawful development is 63.92 sq. m or 291 cubic metres. The size of the appeal proposal is 60.74 sq. m or 289.65 cubic metres. Therefore, it is stated that the appeal proposal would be smaller than the fallback by 3.18 sq. m or 1.35 cubic metres. As a result, the appellants contend that the proposal would increase the openness of the Green Belt compared to the fallback. However, according to the Council, the fallback would have a floor area of

73.1 sq. m and the appeal proposal would have a floor area of 73.4 sq. m, so the appeal scheme would be 0.3 sq. m larger than the fallback.

18. Given the Certificate of Lawfulness granted for the fallback, I am satisfied that if the appeal proposal were not erected, there is a greater than theoretical possibility that the fallback might take place. Therefore, the fallback position is relevant and capable of being a material consideration. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. Consequently, it is necessary to compare the impact of the fallback to the impact of the appeal proposal.
19. There is not a large difference between the appellants' and Council's calculation of the size differences between the fallback and the proposed scheme. However, the configuration of the two schemes significantly differs. The fallback would comprise a single storey side extension to the main dwelling and a separate garage. This would physically and visually break up their bulk and massing. Consequently, the fallback would appear more visually subordinate to the main dwelling. In contrast the appeal proposal would introduce one large building that would visually compete with the main dwelling due to its scale and massing. Furthermore, it would have more blank façade facing the street than the fallback. Therefore, the fallback would be less harmful to the character and appearance of the site and the surrounding area than the appeal proposal. Consequently, I ascribe limited weight to the fallback position.
20. The appellants contend that since the curtilage of the property is 0.46 hectares, the potential size of outbuildings by virtue of permitted development rights could be significant. However, the appellants have not clearly demonstrated that such a fallback position would be equally or more harmful than the appeal scheme. Consequently, this potential fallback position attracts limited weight.

Green Belt Balance and Conclusion

21. The Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness, and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. The appeal scheme would be inappropriate development in the Green Belt, which is by definition, harmful to the Green Belt. The proposal would also harm the openness of the Green Belt. Given this harm is to be afforded substantial weight, the other considerations cited by the appellants do not clearly outweigh the totality of the harm identified, and so very special circumstances do not exist.
23. The proposal therefore conflicts with Policy GB1 of the CS and the Framework. There are no other material considerations that outweigh this finding. For the reasons given, the appeal should be dismissed.

U P Han

INSPECTOR