



## Appeal Decision

Site visit made on 21 February 2025 by A Khan BSc (Hons) MA MSc

### Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

### Appeal Ref: APP/Q4625/D/25/3358625

#### Pear Tree Cottage Netherwood Lane, Chadwick End, Solihull B93 0BD

- 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 Philip Baldrey against the decision of Solihull Metropolitan Borough Council.
- The application Ref is PL/2024/01642/MINFHO.
- The development proposed is demolition of existing side conservatory and the erection of a single storey side extension.

### 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.

### Main Issues

3. The main issues are:
  - i) whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies,
  - ii) the effect of the proposal on the openness of the Green Belt and the purposes of including land within it, and
  - iii) 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 proposed development.

### Reasons for the Recommendation

#### *Whether inappropriate development*

4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless it falls within the given list of exceptions. One exception is 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. As defined in the Glossary to the Framework, the original building is a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Policy P17 of the Solihull Local Plan: Shaping a Sustainable Future [December

2013] (LP) reflects to a large extent national policy and is thus considered broadly consistent with the Framework.

5. The Case Officer report states that the current dwelling has been extended by a total of 79.8% above the original floor space, but this is not substantiated by detailed calculations. The appellant's submissions, on the other hand, are supported by detailed plans showing the floor areas for the 'historical house' and subsequent additions. This gives a floor area of 198 square metres for the original building. The property has been subject to a number of alterations and additions, which include a two-storey side extension, single storey extension to the rear of the kitchen and conservatory. These additions have extended the size of the original building by approximately 43% to date and cumulatively form considerable additions to the original building.
6. There is no defined way of assessing and measuring proportionality set out within the development plan relevant to this appeal. However, page 20 of the House Extensions Guidelines Supplementary Planning Document [February 2010] (SPD) states that extensions in the Green Belt will be limited to no more than 40% of the original habitable floor space measured externally. The SPD adds that this policy will not be applicable to properties within established ribbons of development.
7. The SPD defines a "ribbon of development" as a continuous run of dwellings which closely relate to one another and are not sporadic. The appeal site comprises a two-storey detached dwelling with an attached single storey structure along the front boundary. It forms part of a group of dwellings set within spacious plots, running along Netherwood Lane on one side of the road, with open fields on the other side. The properties are generally set fairly close to the main road and follow a broadly similar pattern of development. Therefore, insofar as it relates to this appeal, the appeal property lies within an established ribbon of development and the 40% threshold is not applicable.
8. The term 'disproportionate additions' is not defined in the Framework. It is therefore a matter for the decision maker to determine, having regard to the context, whether the proposed extension would be disproportionate, albeit that with the reference to 'size' as set out in the Framework, this could reasonably refer to volume, height, external dimensions, footprint, floorspace and visual perception.
9. The conservatory is proposed to be replaced with a larger single storey extension that would span the patio area and beyond the depth of the original structure. Despite the 40% threshold not being applicable to this appeal, this does not mean that all proposed additions exceeding this threshold should automatically be considered proportionate. Combined with previous additions and despite the demolition of the conservatory, the appeal scheme would result in a 53% increase in floorspace, an addition of over half the original building.
10. The proposed extension would represent a substantial increase in additional built development with regard to volume, external dimensions, footprint and floorspace. Therefore, the cumulative effect of previous extensions and alterations along with the proposal would be of a size clearly exceeding what can be reasonably considered proportionate.
11. Together with previous extensions, the proposal therefore would result in disproportionate additions over and above the size of the original building and

represent inappropriate development in the Green Belt. The proposal would conflict with the Green Belt aims of Chapter 13 of the Framework and LP Policy P17.

### *Openness and Green Belt Purposes*

12. The siting of the proposed extension within the established residential curtilage of the appeal property would not result in a harmful encroachment of development into the countryside or compromise the other Green Belt purposes set out in paragraph 143 of the Framework. However, the absence of harm in these respects is a neutral factor.
13. The proposed extension would have limited visibility in public views as it would be located on the side furthest from the road and be partly screened by the appeal property. When viewed from the vehicle access point providing views into the site, the scale of the proposed development would be no greater than what is there currently. The visual impact on the openness of the Green Belt would therefore be acceptable.
14. Notwithstanding the above, the proposal would introduce an additional built form into a gap where there is currently none. Although a large portion of the proposal would not be visible to public view, the increase of bulk, massing and volume would erode the openness of the Green Belt in spatial terms.
15. Although the site is spacious and the extension would not appear out of place in character or design, the cumulative impact of the proposed extension and previous extensions and alterations would result in a significant increase in built form, thus diminishing the openness of the site and its surroundings in spatial terms.
16. Given the above, and whilst the proposal would not be harmful to the purposes of including land within the Green Belt, it would nevertheless moderately harm the openness of the Green Belt, contrary to Chapter 13 of the Framework and LP Policy P17.

### *Other Considerations*

17. Paragraph 153 of the Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, to which I ascribe substantial weight, and any other harm resulting from the development, is clearly outweighed by other considerations. Several of these considerations have been referred to my attention.
18. I have had regard to the appellant's argument that an extension of a similar or larger scale than the appeal scheme could be constructed using permitted development rights. Limited information has been presented in this respect, but there is nevertheless a real prospect that this fallback position could be implemented if planning permission for the proposal is not forthcoming, and which, in isolation, could be more harmful than the appeal scheme.
19. However, the construction of an extension off the original walls using permitted development rights would not overlap with the location of the proposed extension. No mechanism has been presented to prevent existing permitted development rights being exercised before the implementation of the planning permission for the appeal scheme. If I was minded to recommend that the appeal should be allowed,

there is therefore no certainty that both additions would not be built, a prospect which would have a greater harmful effect on the Green Belt. For these reasons, very limited weight is afforded to this consideration.

20. The appellant highlights a need for additional space to respond to family needs. Whilst these personal circumstances are understood, it has not been satisfactorily demonstrated that the appeal scheme represents the only solution to provide additional residential accommodation and that there are no less harmful alternatives with regard to the impact on the Green Belt. Therefore, I attach very limited weight to this consideration.
21. The appellant cites a previous planning permission<sup>1</sup> granted on site for a single storey side extension which, together with earlier additions, enabled the original building to be extended by 43% in floorspace. However, the context for the appeal before me is inevitably different, as the approved extension which has now been built, has to be included as part of the additions to the original building. I have therefore ascribed limited weight to this previous scheme.

### **Conclusion and Recommendation**

22. The appeal scheme would constitute inappropriate development in the Green Belt and moderately harm the openness of the Green Belt, to which I ascribe substantial weight. When taken individually or cumulatively, the other considerations advanced in support of the scheme do not clearly outweigh the harm which would be caused to the Green Belt. In this instance, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
23. As such, the development would be contrary to LP Policy 17 and Chapter 13 of the Framework, which seek to prevent inappropriate development in the Green Belt. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*A Khan*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

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

*S Edwards*

INSPECTOR

---

<sup>1</sup> PL/2018/02993/MINFHO