

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2146921
Planning Application	10/1112-SG
Proposal	Rear first floor extension
Location	77 Linehouse Lane, Lickey End, Bromsgrove, B60 1HS
Ward	Marlbrook
Decision	Refused under delegated powers 24.01.2011

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Discussion

The proposal was to erect a rear first floor extension.

The application was determined under delegated powers and refused on the basis that the cumulative impact of the proposal together with existing additions to the dwellinghouse would result in disproportionate additions over and above the size of the original house. The Council found that the existing extensions represent a 68.5% increase in floorspace compared to the original dwelling, and that the proposed first floor extension would result in a cumulative increase over the original dwelling of about 81%. SPG7 regards extensions of up to 40% of the original dwelling as proportionate. The reason for refusal is noted below:

"It is considered that the extension to the dwelling is inappropriate development in the Green Belt because the cumulative impact of the proposals would constitute a disproportionate addition over and above the size of the original dwelling. The proposal would unacceptably harm the openness of the Green Belt, contrary to policy S11 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan and the guidance contained in SPG7 and PPG2. No arguments exist or have been put forward to support the development that amount to very special circumstances that would outweigh the harm that would be caused to the Green Belt."

With regard to Green Belt openness, the Inspector noted that the proposed extension would not extend the existing footprint of the building and would be a relatively modest addition extending only about 2.7m from the rear wall of the building. As such, having consideration to the scale, bulk and impact of the proposal on the openness of the Green Belt, the Inspector considers that this would be limited.

With regard to design, the Inspector noted that the first floor extension would not be readily visible from Linehouse Lane and that the proposed pitched roof above the new extension would be lower than the existing ridge, and the design of the extension would be sympathetic to the dwelling. The Inspector was therefore satisfied that the proposal would not be detrimental to the character and appearance of the area. The Inspector noted that this does not add weight in favour of the proposal; it merely adds little or no additional weight against it.

The Inspector was not convinced by the Council's claim that the existing rear wall to the house was originally the side wall and that the appellants' fall back permitted development rights regarding a two storey extension on this elevation were not, therefore, strong.

The Inspector gave considerable weight to the applicant's fall back position that the proposal for one additional room could be provided as a new ground floor extension off the existing side gable as permitted development. The Inspector considered that the ground floor fallback position would extend the existing footprint of the building, would be visible from the highway and would cause greater harm to the openness of the Green Belt than the proposal, which would not encroach into the surrounding space. The Inspector was satisfied that there was a realistic alternative to the proposal and a real likelihood of it being implemented in order to provide the accommodation required for the appellant's growing family. On this basis, the Inspector was of the view that this fallback position carries very considerable weight in favour of the proposal.

Overall, the Inspector found that the other considerations in this case clearly outweighed the harm to the Green Belt subject to the removal of certain permitted development rights to prevent further developments within the curtilage of the property without planning permission. Looking at the case as a whole, the Inspector considered that very special circumstances existed to justify the development, in accordance with the provisions of PPG2.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (28.03.2011)

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.