

**Appeal made against the refusal of planning permission and Listed Building Consent**

<b>Appeal reference</b>	APP/P1805/A/11/2143233 APP/P1805/E/11/2143242
<b>Planning Application Proposal</b>	10/0717-SG and 11/0718-SG Removal, raising and replacement of roof to kitchen wing; removal of wall between kitchen/dining room; new window to front elevation of kitchen; two new first floor windows to side elevation; new window to first floor rear elevation; and single storey extension to west elevation of kitchen.
<b>Location</b>	Upper Bentley House, Manor Road, Upper Bentley, Redditch, B97 5TB
<b>Ward</b>	Tardebigge
<b>Decision</b>	Refused

The author of this report is Stacey Green who can be contacted on 01527 881342 (e-mail: [s.green@bromsgrove.gov.uk](mailto:s.green@bromsgrove.gov.uk)) for more information.

**Discussion**

The proposal was to enlarge the kitchen on the ground floor and bedroom above by a “forward” extension of the kitchen footprint and the upward extension of rear wing to provide more space at first floor level.

The planning and listed building applications were determined under delegated powers and refused on the basis of harm to the Green Belt and detrimental impact on the Listed Building. The refusal reasons are noted below:

1. The proposal, by virtue of the extension and raising of the roof to the kitchen wing, would have a detrimental impact upon the historic character and special interest of this Listed Building. As such, the proposal would be contrary to policy CTC.19 of the Worcestershire County Structure Plan, policy S39 of the Bromsgrove District Local Plan, and the guidance contained in PPS5.
2. The proposal represents an inappropriate form of development in the Green Belt which would be harmful to the openness of the Green Belt. No very special circumstances exist or have been put forward which outweigh the harm caused. As such, the development is contrary to policies D38 and D39 of the Worcestershire County Structure Plan, policy S11 of the

Bromsgrove District Local Plan, Supplementary Planning Guidance Note 2: Extensions to dwellings in the Green Belt, and the advice of PPG2.

The Council considered that the additional height and width of the extension would result in a bulky addition to the building that would dominate the side elevation. It was also considered that the elongated sloping roof would replicate and mirror the existing form of the modern extension which is unsympathetic to the character of the original building. On this basis, the Council was of the opinion that the proposal would have a detrimental impact on the historic character and special interest of the Listed Building.

While the Inspector also notes that the proposed new asymmetric roof construction would certainly contrast with the historic house, it was considered that the twentieth century extension would continue to be distinguished from the historic part of the building on the line of a large, two-storey screen window, which marks the junction of the two elements. Although the extended kitchen would lie close up to this window, its function, to mark the junction between new and old construction, would not be lost.

The Inspector was persuaded that the general form of the kitchen and bedroom element, as proposed to be altered and extended, forms an acceptable adaptation of the existing construction that would not harm the architectural or historic character of the older part of the house. It was noted that also internally the new layout would not impinge on the older part of the fabric. Therefore, the Inspector did not consider that the proposals would harm the architectural or historical qualities of the listed building or the setting of the older elements which are of crucial importance.

With regard to the Green Belt, the Council's planning history highlighted that approximately half of the original house was taken down under the 1989 proposal. Therefore, the Council considered that the current building was made up of 103.68m<sup>2</sup> of original floor space and 108.92m<sup>2</sup> of new/additional floor space as was constructed under the 1989 application. Since a large proportion of the original timber framed house was demolished during the early 1990s; this floor space was not used for the purposes of calculating floor space. In accordance with SPG7, the Council allows for extensions up to a maximum of 40% over and above the size of the original house.

The Council found that the existing additions to the original house resulted in a 105% increase and that the proposed kitchen extension would create an additional 5m<sup>2</sup> of floor space, which taken together with the existing additions would create an increase in size of 110%. On this basis the Council considered that the proposal would clearly represent a disproportionate addition to the original dwelling and would not comply with the 40% allowance. As a means to demonstrate very special circumstances, the applicant proposed to demolish part of the detached garage which sits some 27 metres from the house. It was

proposed to demolish 12.73m<sup>2</sup> of floorspace from the garage to compensate for the proposed increase in floorspace of 6.58m<sup>2</sup> at the main house. Given the physical relationship between the garage and the main house, and the fact that the garage is not original, the Council were doubtful that there would be any tangible benefit from the removal of the garage aspect and offsetting this with the main house extension to outweigh the harm that would be caused to the openness of the Green Belt. For those reasons, no very special circumstances were found to exist by the Council. In addition, the Council considered that the additional volume to be added to the rear part of the building would detract from the openness of the Green Belt

The Inspector notes that the extension built during the 1990s is substantial but has regard to its appearance which looks to have replaced some earlier additions to the building of indeterminate date and character. The Inspector considers the additional volume now proposed would be very modest; would have a very limited effect on the overall scale of the building and would not have a significant impact on the openness of the Green Belt.

The Inspector disagrees with the approach adopted by the Council in terms of calculating original floorspace. While the Council argue that the part of the original dwelling that was taken down during the 1990s should not be taken into account in terms of Green Belt policy. The Inspector considers that in strict terms, however, reference ought to be made to the "original dwelling" (as at 1 July 1948) and therefore does not find the Council's approach in this respect to be convincing. The Inspector is of the view that a broader approach is preferable to a mathematical analysis and, even taking account of the scale of the work carried out in the 1980s, he considers the proposed extension of the house can fairly be described as being not "disproportionate" in the context of Green Belt policy.

In reaching that conclusion, the Inspector also considered the significance of the existing garage on the land and the proposition that it should be partially demolished, in compensation for the extension of the kitchen and bedroom. The Inspector notes that the garage is of indeterminate age and may not have been in existence in 1948. Considered more generally, the Inspector does not believe that the removal of part of the garage would significantly enhance the Green Belt or protect its nature and does not find the "offer" of partial demolition to be a decisive factor. For this reason, the Inspector believes that the Council's suggested condition to require the partial demolition of the garage is unnecessary.

Overall, the Inspector was persuaded that the proposals can properly be regarded as "not inappropriate" in terms of Green Belt policy and does not consider that they would erode the openness of the Green Belt or undermine Green Belt policy.

**Costs application**

The application for an award of costs against Bromsgrove District Council was refused.

**Appeal outcome**

The appeal was **ALLOWED**.

**Recommendation**

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