

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/11/2158574
Planning Application	11/0442-RL
Proposal	Two-storey rear extension
Location	Brakemill Cottage, Brake Mill, Hagley, DY8 2XY
Ward	Hagley
Decision	Refused by Planning Committee: 18th July 2011

The author of this report is Mr. Tim Collard who can be contacted on 01527 881243 (e-mail: t.collard@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for a two storey rear extension.

The Inspector considered the main issues to comprise were:

- Whether the proposed development is inappropriate development for the purposes of *Planning Policy Guidance Note 2: 'Green Belts'* (PPG2) and local development plan policy;
- If it is inappropriate development, whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- The effect on the openness of the Green Belt (GB); and
- The effect on the character and appearance of the surrounding area, and the amenity of nearby property;

The Inspector noted *Planning Policy Guidance 2: Green Belts* (PPG2) says that provided the development proposals do not result in disproportionate additions over and above the original building, the extension or alteration of dwellings is not inappropriate in Green Belts. The Inspector further commented that aspects of policies DS2 and S11 of the Bromsgrove District Local Plan (BDLP) reflect the thrust of national policy guidance in this respect, with the latter policy being specifically related to extensions to dwellings in the GB.

It was noted that the Council's supplementary planning guidance on extensions to dwellings in the green belt (SPG), however, advises that an extension or cumulative extensions of over 40% of the original floorspace (as at 1st July 1948), or which results in a total floorspace of over 140 sq m, is likely to be disproportionate in the context of GB policy. The Inspector attached significant

weight to the SPG since it has been subject to extensive public consultation, and assists in clarifying the provisions of local and national green belt policies.

It was noted that the Council and appellant agree that the proposed extension, in terms of the floorspace created, would result in a significant breach of the SPG's guidance, both in terms of the percentage increase and the total floorspace of the extended dwelling.

In the light of the guidance on the size of extensions contained in the Council's SPG, the Inspector considered the proposal would amount to a disproportionate addition to the original dwelling. The proposal would therefore be inappropriate development which, by definition, is harmful as set out in paragraph 3.2 of PPG2. This attracts substantial weight against the grant of planning permission.

It was noted that although there are other dwellings and buildings in the locality, the appeal property lies clearly in the countryside. The extension would be built to the rear of the property, on a flat patio area between the existing dwelling and a bank of rising land. It was noted the proposed extension would largely be sheltered from view from the public footpath to the west of the site by the timber fence running on the appeal site's boundary. From the footpath running outside the eastern boundary, the proposed extension would be substantially screened by a hedge. However, some of its roof and first floor could be seen from parts of the footpath. When approaching the property from the south, or from the north, the extension would not be discernible.

The Inspector noted that PPG2 provides that the most important attribute of Green Belts is their openness. However, since the extension would be well screened, the effect on openness would be slight, and not easily perceptible from outside the site. Nonetheless, since a built form would be erected where none currently exists, openness would be affected, attracting but limited weight against the proposal.

It was considered that the proposed extension is well designed, and relates well to the attractive host property in terms of its mass and proportions. The extension would not be prominent, and would sit acceptably in its rural visual context in compliance with the requirements of BDLP policy S11. The design of the scheme attracts limited weight in favour of the development.

Since there is no other dwelling in close proximity, the Inspector shares the Council's view that the extension would not affect the amenity or living conditions of any nearby resident, and therefore accords with the third criterion of BDLP policy S11. This factor attracts little weight in favour of the proposal.

It was noted that the appellant and the Council agree that buildings of a significant size, in terms of volume and floorspace, could be built within the curtilage of the dwelling without the need for planning permission on the basis of

the Certificate of Lawfulness granted by the Council on 28th March 2011 (*the fallback scheme*). An earlier certificate was also granted, but the appellant relies mainly on the March 2011 decision in pursuit of her arguments in this respect, which are based on a 2009 appeal decision involving an extension to a property in the Bromsgrove area, within the green belt (*Ref.: APP/P1805/A/09/2103765*).

The Inspector was satisfied on the basis of the nature of the accommodation which could be built within the buildings comprised in the fallback scheme, their close proximity to the existing dwelling, which almost ranks them as extensions, and the appellant's representations, that if the appeal proposal was not erected, there is every likelihood that the fallback scheme would take place.

In terms of the floorspace created, the Inspector noted the fallback scheme would be broadly similar to the appeal scheme, a factor which in my view should attract significant weight in the light of the SPG guidance on the appropriate size of extensions.

The Inspector considered that the fallback scheme would be no more noticeable from the west and north than the appeal proposals, but the effect would be slightly less when viewed from the east, because of the single storey nature of the development.

It was noted that the larger of the 2 buildings would be clearly seen from the south, from the main footpath approach to the dwelling, albeit its southern face would be set back from the main front elevation of the dwelling. However, since it would be clearly apparent from the south, whereas the appeal scheme would not, the fallback scheme would have a far greater negative impact on openness and the perception of openness, a factor which attracts significant weight in favour of the appeal proposals.

It was noted that the appellant would be prepared to forego the rights of permitted development accruing to the property if the appeal were allowed. I attach significant weight to this in view of the potential benefits to openness which may arise.

The harm the Inspector identified as a consequence of the inappropriateness of the development and its slight effect on openness carries substantial and limited weight, respectively, against the proposal, but the Inspector could identify no other real harm caused by the extension proposed. Other considerations, including the effect on local character and residential amenity carry limited or little weight in its favour. However, the Inspector considered that significant benefits would arise in terms of maintaining the openness of the GB when the respective sizes and effects of the appeal proposals and the appellant's fallback scheme are compared, and in removing permitted development rights from the property.

The Inspector concluded that, together, these considerations clearly outweigh the harm by reason of inappropriateness such that, in the Inspector's view, the very special circumstances exist justifying the grant of planning permission, subject to conditions to ensure that some of the perceived benefits arise.

It was decided that in order to ensure the openness of the GB is maintained, certain permitted development rights shall be removed. The Inspector considered that maintaining the openness of the GB ranks as an exceptional circumstance in the terms of *Circular 11/95: The Use of Conditions in Planning Permissions*.

The Inspector noted that otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

It was also considered, in the interests of visual amenity, that a condition be imposed in respect of external materials.

The appeal was therefore allowed.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED**.

Recommendation

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