

**Appeal made against the refusal of planning permission**

<b>Appeal reference</b>	APP/P1805/A/11/2156034
<b>Planning Application</b>	11/0077-TC
<b>Proposal</b>	First floor side extension
<b>Location</b>	Glendale, Sandhills Green, Alvechurch, Worcestershire, B48 7BT
<b>Ward</b>	Hillside
<b>Decision</b>	Refused (delegated decision): 14th April 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 to develop a first floor side extension.

The Inspector considered the key issue was that the site lies within the West Midlands Green Belt. Therefore the following issues needed to be addressed:

- (1) Whether the proposal is inappropriate development for the purposes of Planning Policy Guidance Note 2: Green Belts (PPG2) and development plan policy;
- (2) The effect of the development upon the openness of the Green Belt and the character and appearance of the area; and
- (3) If the development is inappropriate, whether the harm 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.

It was considered that that the disputed part of the proposed development is a first floor side extension to a terraced dwelling which had already been extended. The Inspector noted from the Council's calculations that the existing additions were already nearly 63% over the size of the original dwelling. The proposed first floor extension, which is an increase of over 22m<sup>2</sup>, would bring the total of the additions to over 82%, well over the 40% allowed in the SPG.

The Inspector noted that the proposed development would be a disproportionate addition to the property and contrary to paragraphs 3.4 and 3.6 of PPG2. As such, it would be inappropriate development in the Green Belt. Paragraph 3.2 of PPG2 says that inappropriate development is, by definition, harmful and that substantial weight is attached to the harm caused by it. The guidance in PPG2 on extensions has not been substantially altered by the publication of the

Government's draft National Planning Policy Framework (dNPPF). The proposal would also be contrary to saved policy S11(a) of the Bromsgrove District Local Plan 2004 (BDLP).

It was considered that the proposal would be at first floor level and would be a subordinate extension, well-separated from the side boundary of the property. However, it would increase the bulk of the property and therefore there would be some harm to the openness of the Green Belt, although this would have only limited weight, given its visual impact.

The Inspector considered the design of the extension would be appropriate to the existing dwelling and would only be likely to be visible from views from directly in front of it. In addition, the materials would match the original dwelling which could be ensured through the imposition of a suitably-worded condition. Therefore, the proposed development would not be harmful to the character and appearance of the area and would not harm the visual amenities of the Green Belt. As such, it would comply with saved policy S11(b) and policy DS13 of the BDLP, the Council's adopted Residential Design Guide (RDG) and would be a neutral factor in weighing the harm to the Green Belt.

The Inspector noted the appellant's claim that another extension could be built using permitted development rights and this would be more harmful in terms of its effect on the Green Belt, on the character and appearance of the area and on the living conditions of neighbours. The appellant says that this is a fallback position which, if this appeal is dismissed, would be built. The alternative would have a hip to gable roof extension which would be out of keeping with the overall design of the terrace, as the opposite end has kept its original hipped roof. The bulky roof would be dominant in views of the dwelling and be harmful to the openness of the Green Belt and its visual amenities and to the character and appearance of the area. It would be similar in floorspace to the proposed extension and therefore would also be inappropriate in terms of its size. In addition, this option is objected to by the occupiers of the neighbouring properties at Hillview, on the grounds that it would alter the character of the terrace, and Ingleside, on the grounds that it would have adverse impact on their outlook and daylight. There is no objection by neighbouring occupiers to the development which is the subject of this appeal.

The Inspector acknowledged the Council's comment that there are no permitted development rights for a two storey side extension but considered this related more to the appeal proposal rather than the alternative put forward by the appellant which would convert the roof space of the original house. However, the appellant's claim to permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995, (GPDO) as amended, has not been supported by any Certificate of Lawful Use or Development and this lessens the weight that can be attached to this claim. Another appeal decision submitted by the appellant, appeal ref .APP/P1805/A/09/2103765, was supported

by a certificate but two others appeal ref.'s APP/L3245/A/10/2128255 and APP/P1805/A/11/2146921, were not so supported.

The Inspector noted that a previous application for similar development on the site, application ref. B/2008/0186, was refused and then subsequently dismissed on appeal but, since that time, the GPDO has been amended, the effect of which is to give more generous allowances for the extension of dwellings. The proposed extension would be within the roof of the original part of the house, would not be higher than the existing roof, would not extend beyond the plane of the roof forming the principal elevation facing the highway and would not produce more than the 40m<sup>2</sup> additional floorspace allowed for terraced houses in this part of the GPDO. The Inspector considered it is likely that the appellant could construct the additional bedroom required using permitted development rights and great weight needs to be given to this matter.

It was considered that the proposed first floor extension would be inappropriate development in the Green Belt and there would be substantial harm as a result. In addition, there would be limited harm to the openness of the Green Belt. However, the Inspector considered this would be clearly outweighed by the other considerations in this case in that the fallback position would be worse in terms of its harm to the openness and visual amenities of the Green Belt and to the character and appearance of the area. Therefore the very special circumstances necessary to justify the development would exist in this case. As such, it would comply with the guidance in PPG2, saved policies DS13 and S11 of the Bromsgrove District Local Plan 2004 and the Council's adopted SPG7.

The Inspector concluded that planning permission is granted in the light of the advice in Circular 11/95: The Use of Conditions in Planning Permissions. It is necessary that the development is carried out in accordance with the terms of the application subject to the following conditions:

- (1) The development hereby permitted shall begin not later than three years from the date of this decision.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, block plan and drawings 100 and 102A.
- (3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development in Classes A, B, D and E of Schedule 2, Part 1 of that Order, shall take place other than that expressly authorised by this permission.

**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.**