

Appeal made against the refusal to grant planning permission

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| Appeal reference | APP/P1805/D/11/2161213 |
| Planning Application | 11/0533-HR |
| Proposal | Proposed 45° pitched roof to a permitted development outbuilding certified lawful under ref.: 11/0194-TC |
| Location | Batemans Green Farm, Batemans Lane, Hollywood, B47 5DE |
| Ward | Drakes Cross and Walkers Heath |
| Decision | Refused (Delegated decision) - 12th August 2011 |

The author of this report is Harjap Rajwanshi who can be contacted on 01527 881399 (e-mail: harjap.raiwanshi@bromsgrove.gov.uk) for more information.

Discussion

The proposal was for a 45° pitched roof to an outbuilding being constructed under Permitted Development (certified lawful under ref.: 11/0194).

The application was determined under delegated powers and refused due to the following reason as detailed below:

1. It is considered that the proposal is inappropriate development in the Green Belt because the impact of the proposal 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 DS2, and S11 of the Bromsgrove District Local Plan, policy D.39 of the Worcestershire County Structure Plan, the provisions of SPG7 and the guidance contained in PPG2. No arguments 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.

The Inspector found the main issue to be its Green Belt location and:

- Whether the proposal constitutes inappropriate development in the Green Belt;
- Whether the proposal would harm the visual character of its local surroundings; and
- Whether any 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.

The Proposal

The applicant has already obtained a Certificate of Lawfulness for a replacement garage to be built under Class E, Part 1, of The Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposal is to add a 45°

pitched roof to the existing development. The application site falls within the Green Belt.

Discussion

The Inspector explains the fact that the roof itself would be no increase in the floor space is irrelevant to the assessment of inappropriateness. The crucial consideration is that if the building had not been permitted development and an application was required, then it would have been considered inappropriate development. As it stands, the permitted development building itself, irrespective of the pitched roof, will now be calculated towards the 40% allowed under SPG7 in the Green Belt. This results in an increase in the floor space of the original dwelling by 115%. This would be well over twice the maximum 'proportionate' increase (40%) referred to in SPG7. It is therefore concluded, on this point, that the appeal development, as a result of previous extensions and buildings, is inappropriate development in Green Belt policy terms.

The Inspector is in agreement with the Council's view that the appeal development would in terms of its character, appearance and design be compliant with the relevant provisions of SPG1 (Residential Design Guide) and Local Plan policies DS13 and S11. The pitched-roofed building can be seen from Packhorse Lane largely against the backdrop of the pitched-roofed of the existing dwelling, and would also relate satisfactorily to other pitched-roofed dwellings close by in Packhorse Lane. It is therefore concluded, on this point that the appeal development would result in no material harm, to the visual character of its surroundings including the street scene in Packhorse Lane.

The Inspector notes that the proposed development would result in a small increase in the bulk beyond that of the Permitted Development building, thus there would only be a small reduction of the openness of the Green Belt in this locality. No other harm has been identified.

The applicant put the case forward that a building with a more pronounced pitched roof would be more preferable in design and impact terms than one with a truncated or more shallow-pitched roof as a very special circumstance. However, the Inspector considers that there is no evidence available to make the appellant's point a telling one. Although it is noted that the building which the garage is replacing had a pitched roof facing the highway, that building was much smaller than the replacement which is to be constructed under Permitted Development, either with or without the pitched roof for which permission is now sought. It is therefore concluded, on this point that the case put forward by the appellant does not carry significant weight as to clearly outweigh the harm that would be done to the Green Belt by virtue of inappropriateness and loss of openness and thus constitute very special circumstances justifying planning permission.

In conclusion

Both the Inspector and the Council agree that the appeal development would result in no loss of amenity for neighbouring residents. However, this finding is not considered sufficient to outweigh the other two issues in relation to the Green Belt. The proposal is

considered as inappropriate development in the Green Belt that would injure the visual amenities of the Green Belt. Other considerations put forward as very special circumstances do not exist to justify this inappropriate development.

Therefore the Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (10th November 2011).

Recommendation

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