

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/12/2168612
Planning Application	11/0682-SG
Proposal	Erection of new conservatory
Location	Gorse Lane Farm, Scarfield Hill, Alvechurch, B48 7DB
Ward	Tardebigge
Decision	Refused by Planning Committee - 7th November 2011

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

The Proposal

The proposal is for the erection of a new conservatory to adjoin the south elevation of the dwellinghouse.

Discussion

The application was determined at Full Planning Committee where Members resolved to refuse planning permission for the following reason as detailed below:

1. It is considered that the proposed 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.

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

- whether the proposal constitutes inappropriate development in the Green Belt;
- its effect on the openness of the Green Belt and on the character and appearance of the countryside; and
- if it is inappropriate development, 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.

Main Issues

Issue (1) : Whether inappropriate in the Green Belt

Gorsey Lane Farm is a large detached house with outbuildings, sitting within open countryside. There is an existing planning permission to link the house to the closest range of outbuildings. The proposed conservatory would site behind this link.

The Inspector refers to the national Planning Policy Guidance Note 2 (PPG2) Green Belts, in addition to the County and Local Plan policies and guidance on Green Belts. SPG 7 on Extensions to Dwellings in the Green Belt advises that extensions of over 40%, or which would bring the total floor space of the dwelling to more than 140sqm, would normally be regarded as disproportionate additions.

The Inspector considers from the evidence on file and from his site visit that the house has already been substantially extended. He acknowledges the disagreement between the Council and the appellant over the size calculations, but explains that even based on the appellant's calculations the house is well over the 140sqm floor space threshold and has already been extended by some 47.5% above the size of the original dwelling. Although the conservatory would be relatively modest in size, it would nevertheless represent a further increase of about 7%. This is significantly beyond the indicative level set out in the SPG.

On this point the Inspector concludes that the proposed conservatory would, when taken together with the existing extensions, amount to a disproportionate addition over and above the size of the original dwelling. The proposal therefore constitutes inappropriate development, which is by definition harmful to the Green Belt. Substantial weight is therefore attached to the resultant harm when determining the appeal.

Issue (2) : Openness, character and appearance

The conservatory would be largely or wholly screened from public views. Its location, design and materials would harmonise with the existing house and no trees or other landscape features would be harmed. The Inspector therefore finds that no harm would be caused to the character or appearance of the countryside. Nevertheless, the conservatory would add to the size of the house and would therefore have a negative effect, albeit a marginal one, on the openness of the Green Belt.

Issue (3) : Very special circumstances

The Inspector explains that the lack of harm to local character and appearance is a neutral factor which does not weigh significantly in favour of the proposal. The Inspector considers the possibility that an outbuilding of similar size could be built under permitted development rights. This fall back position is a material consideration and such a situation is mentioned as a potential 'very special circumstance' in SPG7.

However, the Inspector doubts the likelihood of an outbuilding of the type described being built in the indicated location, so close to the house, where it would interfere with

the outlook from nearby windows and the usefulness of the patio area. The Inspector believes that if an outbuilding were to be erected, this would take place in other locations within the garden where they could be additional to, rather than alternative to, the conservatory, with consequential effect on the openness of the Green Belt. No planning condition or other means has been proposed by either side to limit such a possibility. For these reasons the Inspector places little weight on the fallback position.

Balance

The Inspector considers that the factors set out in favour of the proposal are not sufficient to clearly outweigh the significant harm due to inappropriateness and the more limited harm that would be caused to the openness of the Green Belt. Accordingly, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case. The proposal therefore conflicts with national, county and local policy and guidance.

In conclusion

The Inspector dismissed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (15th February 2012).

Recommendation

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