

Report for Information

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/D/12/2171783
Planning application Proposal	11/0960 A porch and a rear conservatory
Location	Highfield House, Dark Lane, Headley Heath, Birmingham, B38 0BS
Ward	Wythall
Decision	Allowed

The author of this report is Lisa Allison who can be contacted on extension 1658 (e-mail: l.allison@bromsgrove.gov.uk) for more information.

Discussion

The proposal is for a porch extension and a rear conservatory

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

1.

It is considered that the 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 and Policy D.39 of the Worcestershire County Structure Plan and the guidance contained in SPG7 and PPG2. No arguments have been put forward to support the development that amount to very special circumstances that outweigh the harm that would be caused to the Green Belt.

The Inspector found the main issue of the appeal to be;

- ii) The effect of the proposed development on the openness of the Green Belt,
- iii) 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.

Discussion

Development in the Green Belt

The appeal site is in an area characterised by dispersed, small groups of well spaced dwellings in an otherwise open landscape within the Green Belt.

In 2000, planning permission was granted for the demolition of an existing bungalow and outbuildings on the appeal site and the erection of a two storey dwelling and detached garage building - Highfield House

Highfield House and the garage building have more than double the floor area of the original bungalow. Although the Council acknowledge that such an increase was not in conformity with Green Belt policies, very special circumstances were considered to exist and permission for the new dwelling was granted subject to a condition removing permitted development rights.

The Framework confirms that an extension to a building in the Green Belt is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. The Framework also defines the 'original building' as *a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally*. On the basis of the evidence before me, I am not aware of an alternative definition in the development plan. Nor have I been made aware of any extensions or additions to Highfield House since it was built, and I have no evidence that it was built other than in accordance with the original planning permission. Therefore, the appeal property, Highfield House, must be considered as the 'original building'.

Policy S11 of the Bromsgrove District Local Plan 2004 (the Local Plan) permits limited extension of an existing dwelling subject to, amongst other things, the extension not being disproportionate to the size of the original dwelling. This Policy is amplified in Supplementary Planning Guidance 7 – *Extensions to Dwellings in the Green Belt* (SPG7) which confirms that either an extension of up to 40% of the original dwelling, or one which creates a total habitable floor space of 140 sq. m. may be considered proportionate.

According to the Council, the replacement property has a total approximate floor area of 365 sq.m. The conservatory and porch would add about a further 15 sq.m. and would be well within the 40% limit advocated by SPG7. This Relatively small development would be proportionate to the original dwelling.

Openness is an essential characteristic of Green Belts to which the Government attaches great importance. In this case, the small scale of the porch and the conservatory would ensure that the reduction of openness would be minimal. National and local planning policies envisage some built development in GreenBelts and, in that context; the harm to the Green Belt arising from the proposal would be limited.

The Inspector noted the appellant's claims in the Grounds of Appeal Statement that a chalet/bungalow within the curtilage of Highfield House, which was said to have

had the benefit of a Lawful Development Certificate, has recently been removed from the site, thereby enhancing openness. However, it is not clear whether this information formed part of the application, as it is not referred to or substantiated in the Council's report. Therefore, little weight is attached to this argument.

Conclusion

The inspector concludes that the proposal would not be inappropriate development in the Green Belt and that the impact upon the openness would be minimal. The proposal would accord with the objectives of Policy S11 of the Local Plan and the provisions of SPG7.

Therefore the Inspector allowed the appeal

Appeal outcome

The appeal was **Allowed** 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 materials to be used in the construction of the external surfaces of the extensions hereby permitted, other than the roof specified for the conservatory, shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans labelled: Polycarbonate Roof Construction at 1:50; Proposed Porch to Side (Elevations) at 1:50; Proposed Conservatory (Elevations) at 1:50, Rear and Side Elevations (drawing No. 05) at 1:100, all received by the Council on 11 December 2011; and Ground Floor Plan (Drawing No. 02) at 1:100 received by the Council on 14 November 2011.

Costs application

No application for costs was made.