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# Appeal Decision

Site visit made on 26 June 2023

**by Ben Plenty BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 July 2023**

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**Appeal Ref: APP/C3430/D/23/3314550**

**7 County Lane, Iverley, STOURBRIDGE DY8 2SB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs S Pizzie against the decision of South Staffordshire District Council.
  - The application Ref 22/00993/FUL, dated 20 October 2022, was refused by notice dated 16 December 2022.
  - The development proposed is roof alteration and loft conversion.
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## Decision

1. The appeal is dismissed.

## Preliminary matters

2. The Council approved single-storey front and rear extensions in 2019 despite these being deemed to be disproportionate to the original dwelling (the 2019 approval). This was approved under very special circumstances as the fall-back position was deemed to have a more harmful impact on the Green Belt than the proposed scheme. That approval was subject to a condition that removed Permitted Development (PD) Rights for extensions and alterations to the building, outbuildings and means of enclosure. However, some PD Rights were subsequently regained by a later S73 application, that reinstated Rights to build outbuildings and means of enclosure.

## Main Issues

3. The main issues are:
  - whether the proposed extension would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies;
  - the effect on the openness of the Green Belt; and
  - if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

## Reasons

### *Inappropriate development*

4. The appeal site is within the Green Belt. Policy GB1, of the South Staffordshire Core Strategy [2012] (CS), states that development in the Green Belt will be

permitted where it accords with the Framework. It also states that extensions to buildings should be limited and not disproportionate to the size of the original building.

5. Paragraph 149, of the Framework, establishes that buildings in the Green Belt would be inappropriate unless they would meet a listed exception. Paragraph 149(c) explains that the extension or alteration of a building would not be inappropriate provided that it would not result in a disproportionate addition over and above the size of the original dwelling. Accordingly, CS policy GB1 is largely consistent with the Framework.
6. The Framework does not define 'disproportionate'. As such, consideration of proportionality is a matter of planning judgement taking into account a range of factors including a proposal's height, floorspace, volume, design and the configuration of the plot and dwelling.
7. The host dwelling is a detached bungalow set within spacious grounds. The original bungalow was relatively modest in size and has since been extended several times. The site is at the end of a row of residential plots which include dwellings of various heights, scales and styles. The proposed extension includes roof additions. These would include extending a hipped roof to a gable and adding a pitched roof over a flat roof section. The works would result in the creation of a large rear dormer window that would span the length of the dwelling. These works would increase the mass of the roof with the additions forming a mass of substantial height and scale.
8. The Council's Green Belt and Open Countryside SPD identifies that extensions to buildings in the Green Belt above the range of 20 and 40% of the original floor area would be likely to be disproportionate. Although, the use of a purely numerical standard is not advocated by the Framework, it is noted that this provides a useful guide to indicate a size the Council would normally consider to be proportionate. The previous extensions to the dwelling have increased its volume by around 66%. The Council identify that the proposal would more than double the volume of the dwelling with an increase of around 129%. These calculations are undisputed between main parties.
9. The proposal would create a large addition to the building. The rear dormer would be substantial and would extend the existing roof in a manner that would fundamentally alter the overall shape of the roof and its current comparatively low profile. Accordingly, the proposed addition, in combination with previous extensions, would be disproportionate to the size of the original dwelling. This finding is reflected by the significant increase in floorspace, volume and massing compared to the size of the original dwelling.
10. As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 149 of the Framework, it would amount to inappropriate development in the Green Belt. This would be, by definition, harmful to the Green Belt and would conflict with CS policy GB1 for the above reasons.

#### *Effect on openness*

11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and its essential characteristics are therefore its permanence and openness. Considerations of openness have both visual

and spatial aspects. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. In spatial terms the proposal would result in a substantial additional mass to the dwelling.

12. The appeal site is enclosed by tree and hedge screening to its rear and side. Consequently, its rear garden is enclosed and provides only limited views of the surrounding open countryside. Nonetheless, the roof of the dwelling would be widened in comparison to its current profile forming a substantial increased mass that would be partially visible from the frontage. This would result in an increased visual impact that would erode the openness of the site. As such, the proposal would cause harm, albeit lessened by its context, to the openness of the Green Belt.

#### *Other Considerations*

13. The appeal site is a large plot, with a wide and deep rear garden. It seems likely that if no further extensions were approved to the dwelling the Appellant would be likely to exercise their PD Rights to erect an outbuilding to form a home office. Although I am doubtful that an outbuilding would be built up to its maximum permitted footprint, it is recognised that a freestanding structure on this site could have a large footprint. However, despite this, its overall form would be limited by PD restrictions. These would limit its height and proximity to boundaries and thus its wider effects on the Green Belt. As such, I am unconvinced that PD Rights would create a building of sufficient scale and prominence to be patently more harmful to the Green Belt than that proposed.
14. The 2019 approval was allowed by the Council, despite being a large extension, due to very special circumstances. The Council accepted that the Appellant's ability to implement PD Rights formed a compelling fall-back position. This enabled the scheme to be allowed subject to the removal of most of these Rights. However, it does not necessarily follow that this rationale can be applied to the current case. This proposal represents a further addition to the original dwelling beyond that which was previously allowed, that would further increase its size. Also, the scope of the fallback position is now lessened due to condition 4 of the 2019 approval removing the PD Rights of Classes A, B, C and D. As such, the policy and planning history context of this site is now materially different.
15. The evidence demonstrates that the Council approved a large extension to a dwelling at the nearby property of 'Farthingdale'. In that case, the Council commented that "the dwelling sits within a well-established ribbon/cluster of dwellings, many of which have also been extended. It has long been accepted by the Authority that such a factor amounts as Very Special Circumstances". Whilst noted, it is also recognised that the report described the site as being within a row of semi-detached and detached properties of varying architectural styles. This seems to describe a unified block of development which appears to be markedly different to the context and pattern of development associated with the appeal site and its surroundings.
16. The appeal scheme is within a dispersed form of ribbon development, with widely spaced dwellings standing within spacious plots. As such, the appeal site appears to be in a substantially different context to 'Farthingdale'. Therefore, this does not provide a compelling reason to find the proposed addition would not be inappropriate, taking the site's wider context into account.

17. Dwellings within the row of ribbon development, adjacent to the appeal site, have been extended and some of these include changes to their roofs to form habitable space. Nonetheless, most of the examples provided by the Appellants appear to relate to minimal roof additions that have not materially altered their profiles. Only 4 County Lane appears to have a large roof addition, as part of a large side extension, but it is undisclosed when this gained planning permission and it may have been allowed in a different planning context. As such, local additions to dwellings identified in evidence do not share sufficient common characteristics with the proposal to establish a clear precedent.
18. The proposed extension would be constructed of traditional materials, matching the existing dwelling. This would assist in the proposed works being well integrated with the existing dwelling. However, an absence of harm in this respect can only be considered as a neutral factor in the planning balance.
19. The Appellants suggest that the proposal would be appropriate infilling within the ribbon development. However, reference to infilling is not a test in the Framework for extensions to buildings and is instead concerned with the erection of new buildings.

*Whether there would be Very Special Circumstances*

20. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
22. On the other hand, it has been demonstrated that large extensions to buildings within an established ribbon development in the Green Belt can be acceptable in certain circumstances, and that a clear fall-back position exists. However, the examples identified by the Appellants do not illustrate to me that such circumstances exist in this case, or that the fall-back position would be of greater harm than the proposed development. Accordingly, in these specific circumstances, I consider that the harm to the Green Belt is not clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the development do not exist.

**Conclusion**

23. For the above reasons, the appeal is dismissed.

*Ben Plenty*

INSPECTOR