



Appeal Decision

Site visit made on 2 April 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/C3430/W/23/3328166

Moorland House, Pattingham Road, Perton, Staffordshire WV6 7HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr G Costigan against the decision of South Staffordshire District Council.
 - The application Ref is 23/00228/FUL.
 - The development proposed is demolition of existing dwelling and replacement with new 4 bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach. I have referred to the updated Framework accordingly.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposal would be inappropriate development, whether any harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the 'very special circumstances' required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site comprises Moorland House and its grounds. It is a detached, two storey dwelling within a ribbon development of detached dwellings along the southern side of Pattingham Road. The dwelling occupies a generous plot,

set back from the road and with a large rear garden. The site is in the Green Belt and within the open countryside.

5. The proposal would result in the replacement of the existing dwelling with a new two storey dwelling. The existing dwelling is in-between two existing dwellings and represents a small gap within a built-up frontage forming a strong ribbon of development.
6. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 154. The only relevant exception to the proposal, 154(d), is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
7. In this regard, the evidence indicates that the existing dwelling has a floor area of approximately 263 square metres (sqm). The floor area of the proposed dwelling would be 529sqm. The floor area of the proposed development is therefore 101% larger than the existing building. This would represent a substantial increase in floor area. Therefore, it would significantly exceed the 10-20% set out in the Council's Green Belt and Open Countryside Supplementary Planning Document. Additionally, the volume of the proposed dwelling would also be notably bigger than that of the existing dwelling.
8. Consequently, the proposal does not comply with this exception, and it would be inappropriate development in the Green Belt, as set out in the Framework and Policy GB1 of the South Staffordshire Council's Core Strategy Development Plan Document December 2012 (CS), which broadly conforms with the Framework and identifies similar exceptions.

Openness

9. While the proposed replacement dwelling would be positioned in the same part of the site as the existing building, the bulk and mass of the proposed building would be noticeably greater. This would increase its prominence making it more visually intrusive. This would be a significant negative change in terms of the existing spatial and visual openness of the Green Belt.

Character and appearance

10. The existing dwelling has a simple and modest appearance, with single storey elements to either side of the main two storey dwelling, which reduce its overall bulk and mass. The dwelling is also set away from each side boundary and this helps the building to sit comfortably within the plot.
11. The two neighbouring properties beyond each side boundary also have a modest and simple appearance. In particular, the property known as Malvern View, appears as a single storey building, when viewed from the road. The property to the other side is set back further into the site and is largely screened by mature trees on its front and side boundaries. Therefore, this neighbouring dwelling is not overly prominent from the road. The two neighbouring properties are also set away from the side boundaries and this ensures that this part of the landscape has a spacious appearance.
12. By contrast, the proposed dwelling, with its large width, greater footprint and two storey height, would dominate the site and be significantly larger than the existing dwelling and neighbouring buildings. It would therefore dwarf the

- surrounding buildings and represent an overly dominant development that would not be in keeping with the appearance of existing buildings and the spacious and verdant character of plots within this part of Pattingham Road.
13. Furthermore, the elaborate design and rendered walls would exacerbate the visual dominance of the proposed dwelling, due to the contrasting appearance compared to the existing buildings in the immediate locality. Therefore, the proposed dwelling would be an imposing and incongruous building within the landscape.
 14. In addition, the height, position and stark appearance of the proposed walls and gates on the front boundary would also be harmful within the landscape, while also emphasising the scale of the proposed development. The walls and gates would have a prominent and blunt appearance compared to the existing front boundary treatments of the two neighbouring properties, which have a prominence of trees and hedgerows.
 15. The existing dwellings along Pattingham Road are of a varying size, form, architectural design, and appearance. There are examples of substantial dwellings along Pattingham Road, many of which have a commanding architectural presence along the road frontage, including large gates. I accept that these are likely to have been replacement dwellings. However, these sizeable dwellings are located further down the road, whereby the characteristics of the landscape and grouping of dwellings are different when compared to the appeal site. As such, having considered the design and scale of this proposal, and its effect on the character and appearance of the immediate locality, for the reasons given, I consider that there would be unacceptable harm.
 16. Additionally, while I acknowledge that the concept of a replacement dwelling could have a more coherent appearance compared to numerous extensions to the existing building, I have found that the proposal would harm the character and appearance of the area. Therefore, it does not add weight in favour of the development.
 17. For the collective reasons outlined above, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the area. Therefore, the proposal would fail to accord with policies EQ4 and EQ11 of the CS and the design principles of the South Staffordshire Design Guide, which together and amongst other things, seek development that achieves the highest quality of design, that respects the local character and distinctiveness of buildings and landscape, making a positive contribution to the street scene through appropriate scale.

Other considerations

18. The existing property benefits from approvals for extensions and outbuildings, consisting of a certificate of lawfulness¹ and planning permissions² (previous approvals). The appellant also suggests that extensions and outbuildings could be constructed with the benefit of permitted development (PD).
19. The appellant is seeking to extend or replace this dwelling, as demonstrated by the previous approvals. As such, there is a reasonable prospect of extensions,

¹ 22/00442/LUP

² 22/00049/FUL and 22/00672/FUL

with a generous floor area and volume, being carried out if this appeal is dismissed. However, for significant weight to be afforded to the fallback position, there needs not only to be a reasonable prospect of it being carried out, but it would also need to be more harmful than the scheme for which permission is sought.

20. There is disagreement between the parties about the proposed increase in floor area of the new dwelling compared to the fallback position. The floor area calculations provided by both parties are not unequivocal. Furthermore, whilst plans have been submitted to show the extent of the previous approvals, as well as possible extensions carried out under PD, it is not clear whether they could be carried out in combination or not. Therefore, it has not been adequately demonstrated that extensions, which would be more harmful to the Green Belt than the proposed development, could be carried out if this appeal is dismissed.
21. For similar reasons, the same applies in respect of the design of extensions carried out as a fallback position and the effect of those extensions on the character and appearance of the area compared to the appeal scheme.
22. My attention has also been drawn to a number of previous developments that the appellant alleges have been granted by the Council and exceed the allowance of 10-20% for replacement dwellings. In particular, a development at Cedar Cottage, Strawmoor Lane, Oaken (Ref 23/00252/FUL), which had an increase of 109%. The full details of these cases have not been provided and whilst I accept that larger replacement dwellings have been permitted elsewhere, these types of development are fact sensitive and site specific, turning on the individual circumstances of each case. Therefore, these other schemes have not eased my concern that harm would arise in this case.
23. The redevelopment of the existing dwelling and its replacement with a bigger dwelling would result in some additional economic, social, and environmental benefits during the construction and occupation phases. I attach limited weight to these additional benefits.
24. I also acknowledge that there are no concerns regarding parking provision, the effect on neighbouring occupiers or the amount of internal and outdoor space. Electric car charging points and cycle storage provision is proposed, which the appellant believes would encourage sustainable transport methods to be used. The proposal is also designed to meet Building Regulations in respect of the Equality Act 2010 and level access thresholds. However, these factors carry neutral weight.
25. The proposal would provide enhanced internal living accommodation, but the existing house is of a reasonable size and a more modern house with a different layout carries negligible positive weight in favour of the scheme.

Green Belt Balance

26. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It goes on to state in paragraph 153 that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

27. The proposed development would be inappropriate development in the Green Belt and therefore harmful by definition. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. The Framework states at paragraph 153 that substantial weight is given to any harm to the Green Belt. I therefore place substantial weight on the harm by inappropriateness and harm to openness that I have identified. The proposal would also be harmful to the character and appearance of the area.
28. I have given some weight to the other considerations in favour of the proposal, as set out above. However, they do not clearly outweigh the harm arising from the proposal. Consequently, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework and policy GB1 of the CS.

Conclusion

29. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
30. For the reasons given above, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR