



# Appeal Decision

Site visit made on 26 July 2022

**By Helen Smith BSc (Hons) MSc MA MRTPI**

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

**Decision date: 17<sup>th</sup> August 2022**

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**Appeal Ref: APP/L3245/D/22/3297563**

**Hall Cottage, Folley Road, Shropshire, Ackleton WV6 7JL**

- 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 Paul Inions against the decision of Shropshire Council.
  - The application Ref 22/00839/FUL, dated 18 February 2022, was refused by notice dated 11 April 2022.
  - The development proposed is described as “the proposal seeks to bring forward a proposed single storey rear extension, which sits within the existing parameters of built development associated with the site, together with a side extension facilitating a garage and utility area.”
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application (22/00839/FUL) that is subject to this appeal is a resubmission of an identical application (21/00796/FUL) that was previously refused by the Council. The difference between the two applications is the appellant’s submission of a planning statement that has been prepared in direct response to the reasons for refusal raised in the previously refused application.

## Main Issues

3. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt.
  - The effect of the proposal on the openness of the Green Belt.
  - The effect of the proposal on the character and appearance of the host dwelling and surrounding area.
  - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether Inappropriate Development*

4. The National Planning Policy Framework (Framework) explains that the erection of new buildings in the Green Belt should be regarded as inappropriate

- development. Paragraph 149 includes a closed list of exceptions. One of which is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
5. Policy CS5 of the Shropshire Council Local Development Framework: Adopted Core Strategy (March 2011) (CS) states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Policy MD6 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev) states that development proposed in the Green Belt must be able to demonstrate that it does not conflict with the purposes of the Green Belt. Therefore, these policies are broadly consistent with the Framework.
  6. There is no definition within the Framework of 'disproportionate'. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement. Based on the evidence before me, the original dwelling was modest in terms of its size and scale. The building has been enlarged by previous extensions, which is not disputed by the main parties. The proposal, in addition to the extensions already constructed, would more than double the volume of the original dwelling and would significantly increase its floorspace and massing. Consequently, on the evidence before me, the proposal would amount to a disproportionate addition to the original building.
  7. For the reasons above, the proposal would be inappropriate development in the Green Belt. The proposal would therefore conflict with the Framework and Policy CS5 of the CS and Policy MD6 of the SAMDev, which seeks to protect the Green Belt by only allowing limited extension, alteration or replacement of existing buildings in line with the Framework. I am required to attach substantial weight to the harm caused by virtue of the proposal's inappropriateness.
  8. In their reason for refusal regarding this issue, the Council cite Policy CS6 of the CS and Policy MD2 of the SAMDev. However, it seems to me that these policies do not relate to Green Belt. Accordingly, I do not consider that these policies are relevant to this main issue.

#### *Openness of the Green Belt*

9. The proposal would increase the mass and bulk at ground and first floor levels to the side of the existing building. The proposal would also increase the mass and bulk at ground floor level to the rear, as the proposed rear extension would have a larger footprint than the existing conservatory. These combined extensions would increase the building footprint to the side and rear, resulting in the dwelling being wider and deeper. Therefore, its overall bulk would be significantly increased from that of the original building. As a result of the increase in built form, the proposal would significantly reduce the openness of the Green Belt in spatial terms.
10. The proposed rear extension would be largely screened from the road and public vantage points, being positioned behind the existing dwelling. However, the proposed side extension would be seen from public vantage points from the road. The proposed side extension would result in an increase in volume and bulk, which would be a notable change from what is there now. This would result in a marked reduction to the openness of the Green Belt in visual terms.

11. Paragraph 137 of the Framework makes it clear that the essential characteristics of Green Belts are their openness and their permanence. For the reasons above, the proposal would diminish the contribution the appeal site makes to the openness of the Green Belt in spatial and visual terms.
12. The proposal would therefore conflict with the Framework and Policy CS5 of the CS and Policy MD6 of the SAMDev, which seeks to protect the Green Belt. As above, I am required to attach substantial weight to this element of Green Belt harm.

#### *Character and Appearance*

13. The appeal property is a detached dwelling of rendered brickwork with a tiled gable roof, sat within generously sized grounds. It is part of a row of large, detached dwellings in spacious plots on Folley Road. The surrounding area is agricultural land.
14. Although the proposed rear single-storey extension would be of a similar height to the existing conservatory that it would replace, its width would be wider and therefore its overall depth would be deeper. However, it would not appear prominent in views outside the site, as it would be screened by the existing dwelling. Furthermore, the design of the proposed rear extension would follow the architectural style of the host dwelling.
15. The scale, height and massing of the proposed two-storey side extension would have an unsympathetic and disproportionate impact on the host dwelling. This is because the width of the proposed side extension would significantly increase the width of the existing dwelling when viewed from the street-scene. Combined with the proposal's two-storey height, this would unbalance its relationship with the host dwelling, to the detriment of its structure and harmony. Therefore, the proposal would not appear subordinate to the host dwelling.
16. The proposed side extension would also fill a gap where there is currently no built form. This would be of visual detriment to the street-scene thereby causing harm to the character and appearance of the area.
17. In addition, due to the land level changes, the rear of the proposed side extension would be three-storey in height, appearing as an incongruous feature to the two-storey host dwelling. How screened this element may be from the street-scene would not acceptably reduce the design harm that would arise.
18. Furthermore, the proposed garage doors and dormer windows would not integrate well with the host dwelling. This is because the garage doors are excessively tall, and the dormer windows would not replicate the existing window sizes or design. This disproportionate approach to fenestration would erode the original and characterful appearance of the host dwelling.
19. Whilst detailing, such as the proposed materials, would be somewhat sympathetic to the character and appearance of the host dwelling and could be imposed by a condition, this would not outweigh the harm identified above as a result of the scale and form of the proposal.
20. The proposal would therefore have an adverse effect on the character and appearance of the host dwelling and the surrounding area. As such, it would fail to accord with Policy CS6 of the CS and Policy MD2 of the SAMDev.

Collectively these policies, amongst other things, seek to ensure new development is designed to a high quality and respects and enhances local distinctiveness, and responds appropriately to the form and layout of existing development. In addition, the proposal would not comply with paragraph 2.21 of the Council's adopted Shropshire Local Development Framework – Type and Affordability of Housing Supplementary Planning Document (SPD) (2012), which seeks to ensure that new development is sympathetic to the character and appearance of the original dwelling. It would also fail to accord with the design objectives of the Framework.

21. In their reason for refusal regarding this issue, the Council cite Policy CS5 of the CS and Policy MD6 of the SAMDev. However, it seems to me that these policies relate to Green Belt and not to character and appearance. Accordingly, I do not consider that these policies are relevant to this main issue.

#### *Other Considerations*

22. The appellant refers to potential fallback options in the shape of development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO). However, there is limited information within the evidence regarding the detail of such permitted development. Whether it would be likely and indeed whether it would be more or less harmful than the appeal scheme. Were I minded to dismiss the appeal, there is no substantive evidence to suggest that the appellant would proceed with erecting such development under permitted development rights. Therefore, I am not satisfied that there is a real prospect of the fallback position being implemented. I therefore give limited weight to the potential permitted development fallback.
23. Whilst the proposal would result in additional incidental amenity space and no doubt improvements to the dwelling, this would be a private benefit to which I could attach only limited weight against the harms I have found.

#### **Conclusion**

24. The proposal would be inappropriate development and would cause harm to the openness of the Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to this identified harm. In addition, harm has also been identified to the character and appearance of the host dwelling and the surrounding area.
25. As set out above, other considerations put forward in support of the proposal attract limited weight. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
26. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

*Helen Smith*

INSPECTOR