



Appeal Decision

Site visit made on 13 July 2009

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
20 August 2009

Appeal Ref: APP/R1845/A/09/2102226

Duckpen Cottages, 211 A & B and 212 A & B Birmingham Road, Blakedown, Worcestershire DY10 3NP

- 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 Arthur Morgan and Son Limited against the decision of Wyre Forest District Council.
- The application Ref 08/1099/FULL, dated 19 December 2008, was refused by notice dated 13 February 2009.
- The development proposed is the demolition of an existing property and double garage and the erection of 1 no. detached replacement house and 1 no. twin replacement garage.

Decision

1. I dismiss the appeal.

Main Issues

2. I consider that the main issues are (a) whether the replacement house is inappropriate development in the Green Belt; (b) the effect on the character and appearance of the surrounding area and the openness of the Green Belt; and (c) 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 proposed development.

Reasons

Whether the proposed development is inappropriate development

3. The current appeal property comprises two 2-storey semi-detached cottages that were last used as 4 apartments and a detached timber garage with vehicular access from Birmingham Road which is a busy dual carriageway. The appeal site is situated within the Green Belt. There is a presumption against inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt.
4. Paragraph 3.6 of Planning Policy Guidance 2: *Green Belts* (PPG2) states that the replacement of dwellings need not be inappropriate development providing the new dwelling is not materially larger than the dwelling it replaces. Policy GB.1 of the Wyre Forest District Local Plan (LP) echoes this national planning policy. The appeal scheme would involve the replacement of 2 semi-detached cottages with a single house and I consider that similar principles apply in this case.

5. I am mindful that permission has been granted by the Council for the erection of extensions to the property (Ref 08/0974/FULL). However, these extensions are clearly not part of the existing property and cannot be counted as such. I consider the implications of the existence of this permission later in my decision, when considering whether very special circumstances exist.
6. The Council considers that the appeal scheme is inappropriate development in the Green Belt by reason of the size of the proposed replacement house being materially larger than the existing property. LP Policy GB.1 does not define what constitutes a materially larger dwelling but LP Policy GB.2 requires development in the Green Belt to comply with other relevant policies in the Local Plan. In this case, LP Policy H9(iii) is relevant and refers to a replacement dwelling being comparable in size and 3 dimensional scale to the existing dwelling.
7. When compared to the existing property, although the size of the footprint would not be materially larger, the overall length of the proposed house would be significantly greater. Further, by reason of the proposed 2 storey gable projections, the bulk of the proposed house would also be materially greater than the existing property with additional first floor and roof elements. On this matter, I conclude that the size and scale of the proposed house would be materially larger than the existing property it would replace and, as such, the appeal scheme would be inappropriate development in the Green Belt.

The effect on the character and appearance of the surrounding area and the openness of the Green Belt

8. The location of the site means that the existing property is a prominent feature within the open countryside. Although modified, the property does retain some of its original architectural features, including the brick details above the windows and the wooden barge boards. Accordingly, I consider that the existing property contributes positively to the character and appearance of the area. In my opinion, the proposed replacement house would not be of a high standard of design which would either be in keeping with or improve the character and quality of the surrounding open countryside. The indifferent design of the proposed house would be particularly evident by reason of the fenestration, chimney, barge board and porch details. Therefore, I conclude that the proposed development would harm the rural character and appearance of the area contrary to LP Policy H.9(iii). In this instance, I consider that LP Policy CA.6 is not relevant to the proposed development because it refers to the older parts of towns and villages rather than the open countryside.
9. I have previously noted that the size and bulk of the proposed house would be greater than the existing property. By reason of its larger size and bulk, I consider that the proposed house would be materially harmful to the openness of the Green Belt. A sound attenuation wall is proposed as part of the development along the frontage with the road. This solid boundary wall would be particularly visible from the road and, in my opinion, would be materially harmful to the character and appearance of the area and the openness of the Green Belt. I am also mindful that the size of the proposed detached garage is larger than the existing timber garage and this would also have an adverse affect the openness of the Green Belt.

10. PPG2 makes it clear that the most important attribute of Green Belts is their openness. By reason of the size of the built forms of development, I conclude that the appeal scheme would reduce and consequentially materially harm the openness of the area around the proposed house and the surrounding Green Belt in conflict with PPG2.

Whether very special circumstances exist

11. Inappropriate development is, by definition, harmful to the Green Belt. It is for the appellant to show why the appeal should be allowed. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, I attach substantial weight to the harm to the Green Belt in determining this appeal.
12. I note that planning permission has been granted by the Council for a change of use from 4 flats to a house, the erection of extensions and a replacement double garage (Ref 08/0974/FULL). The approved scheme identifies that the converted and extended dwelling would be larger than the existing property, a sound attenuation fence or wall about 2 metres high would be erected alongside the road and a replacement detached garage would be constructed.
13. Although the approved scheme would involve the erection of a dwelling, detached garage and attenuation fence or wall, there would be material differences between the approved and appeal schemes. The proposed house would be larger than the approved scheme by reason of its length being increased by about 2 metres and its overall width approximately 1 metre. The proposed house would be a further increase in size when compared the existing property. Therefore, in view of the differences between the schemes, I give only moderate weight to the approved scheme.
14. LP Policy GB.1 does allow for replacement dwellings to be sited in an immediately adjacent position and, in this case, the proposed house would be sited further away from the road. Although sited further away from the road, the proposed development would still have a harmful effect on the openness of the Green Belt by reason of the greater size of the proposed house. Therefore, I have given little weight to this matter. Further, I attach limited weight to any improvements to the living conditions of the future occupiers which the appellant claims would be achieved by the siting of the proposed house further away from the road, particularly in circumstances where there would still be a need for the attenuation wall to be erected.
15. The appellant claims that the property is in a poor structural condition and the costs associated with the repair works and providing modern residential accommodation, including achieving current standards of energy efficiency, may not be economic. In the absence of any detailed financial information, I give this matter minimal weight in favour of the proposed house, especially in circumstances where the effect of the appeal scheme on the Green Belt would be permanent.
16. Birmingham Road is a bus route and there is a segregated cycleway. I agree that there would be a potential reduction in the number of vehicle movements by reason of 4 apartments being replaced by a single house. However, I

consider that there is a need to balance these matters against the site's location away from facilities which would necessitate the occupiers needing to travel. Therefore, I give these transportation and access matters only limited weight in favour of the proposed development.

17. The appellant has expressed a willingness to landscape the proposed development. However, this landscaping would take time to establish and there is no certainty that the new planting would be permanently retained beyond the normal maintenance period. Therefore, I have given this matter little weight in favour of the proposed development.
18. Local residents claim that the existing cottages are an important landmark building which is of characteristic local design and should be retained rather than demolished. However, although prominent and retaining some of its architectural features, I agree with the comments of the Conservation Officer that the existing property is not of sufficient rarity, quality or architectural or historic interest to warrant statutory protection and be worthy of retention. Further, I have not been referred to any recognised authoritative source which demonstrates that the existing property possesses other historic or architectural interest worthy of preservation. In this regard, I consider that the proposed development would not be contrary to LP Policy H.9(iii). Although I consider that the existing property is of insufficient merit to warrant special protection this does not alter the harm I have identified from its replacement by the proposed house and, as such, I attribute minimal weight to this factor.
19. Notwithstanding the moderate weight I have attached to the existence of the approved scheme, and having considered all other matters raised, I conclude that the other considerations raised are not individually or collectively sufficient to clearly outweigh the harm, by reason of inappropriateness, to the openness of the Green Belt and the character and appearance of the area, that I have identified. I conclude therefore that very special circumstances do not exist which would justify the proposed development and accordingly the appeal fails.

D J Barnes

INSPECTOR