



Appeal Decision

Site visit made on 3 April 2018

by **H Baugh-Jones BA(Hons) DipLA MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 09 April 2018

Appeal Ref: APP/P1805/W/17/3191833

Four Stones Restaurant, Adams Hill, Clent DY9 9PS

- 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 Dr Baljit Bhandal against the decision of Bromsgrove District Council.
 - The application Ref 17/00646/FUL, dated 6 June 2017, was refused by notice dated 19 July 2017.
 - The development proposed is demolition of existing sunroom and erection of a replacement glazed sunroom (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As the description of development in the above heading indicates, the sunroom has already been built. I have taken this into account in my decision.

Main Issues

3. The site lies within the Green Belt. The main issues in this appeal are
 - whether the appeal scheme comprises inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies
 - whether any harm by reason of inappropriateness including (i) loss of openness; (ii) whether the appeal scheme preserves or enhances the character or appearance of the Clent Conservation Area (CA); and (iii) its effect on the character and appearance of the host building, is clearly outweighed by other considerations
 - if so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Background

4. Planning permission was granted for a replacement sunroom and whilst the building has been constructed following that permission, it has not been done so in accordance with the approved plans.

Inappropriate development in the Green Belt

5. The appeal scheme comprises a sunroom of contemporary design attached to the front of the restaurant building. It is glazed on all sides and has an over-sailing roof that slopes upwards away from the front elevation of the main building. The canopy created by the over-sail is supported by posts that sit forward of the sunroom's front elevation.
6. Policy BDP4.4 of the Bromsgrove District Plan (2017) (BDP) says that the development of new buildings in the Green Belt is considered to be inappropriate except in certain circumstances. BDP4.4d states that this includes proportionate extensions to non-residential buildings taking into account openness and the Green Belt purposes. The policy gives favourable consideration to proposals that can demonstrate significant benefits to the local economy and/or community.
7. Policy BDP4.4 closely reflects the Framework, which says that the construction of new buildings is inappropriate in the Green Belt unless in accordance with specific exceptions. The third bullet point in paragraph 89 of the Framework states that the one of the exceptions 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.
8. The available evidence indicates that the restaurant building was originally a pair of dwellings extended and converted to an alternative use. It is clear that incrementally, the original building has been very substantially increased in size. The Council considers that the cumulative scale of those additions is disproportionate and thus inappropriate. The appellant has not put forward any contrary evidence and I have no reason to take an alternative view to that of the Council. The appeal scheme therefore comprises inappropriate development in the Green Belt.

Openness of the Green Belt

9. The sunroom's over-sailing roof and extent of its forward projection give it a greater volume and presence at the front of the main building in comparison to the permitted scheme. In my view, it therefore has a greater effect on openness and thus harms the fundamental Green Belt aim of keeping land permanently open.

Clent CA

10. The CA's character in the vicinity of the appeal site derives from its variously sized but simply designed brick or rendered cottages set either side of a wide open area that provides parking for vehicles. Notably, there are no visually significant front projecting elements on other surrounding buildings and their absence therefore heightens the sunroom's presence in the street scene.
11. The sunroom is positioned next to a neighbouring small white rendered cottage such that in views from the north-eastern part of Adams Hill, it stands out against the white backdrop of the neighbouring building. From the other direction, because it sits above a raised terrace, the adverse effects of its height are magnified. Overall, the sunroom has a visually dominant, overly assertive appearance that is out of place in the CA. It does not preserve or enhance the character or appearance of the CA and thus harms the significance of this designated heritage asset counter to policy BDP20, which amongst other

things reflects the statutory duty relating to CAs in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1992 and seeks to resist such harm resulting from alterations or additions.

12. Whilst the level of harm would not reach the high hurdle of substantial harm for the purposes of paragraph 133 of the Framework, it would nonetheless result in serious harm that requires clear and convincing justification. Framework paragraph 134 says that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme, including securing its optimum viable use.
13. The appellant has not put forward any evidence to demonstrate that the sunroom has greater public benefit than that of the permitted scheme. The appeal scheme therefore conflicts with the Framework.

Character and appearance of the host building

14. The sunroom's sloping over-sailing roof and canopy supports give it a bulky and fussy appearance that does not reflect the general simplicity of the host building. As I have already mentioned, this simplicity is typical of buildings in Adams Hill. In direct views towards the building, the sunroom's rising roof form obscures one of the upper floor windows and appears as a dominant addition to the area immediately in front of the building. For similar reasons, in other views from both higher and lower parts of Adams Hill, it appears as an obtrusive and discordant addition to the building.
15. Thus, the sunroom does not represent good design and causes serious harm to the host building's character and appearance thereby running counter to policy BDP19, which broadly seeks high quality design.

Other considerations

16. The appellant argues that the sunroom as built, enhances the visual appearance of the host building and its contemporary design respects the local context and the character and appearance of the CA. However, for the reasons already given, I take an alternative view. Whilst I have no doubt that a more contemporary design would represent an improvement on the 1970's structure it would replace, a compelling case for the appeal scheme has not been put forward.
17. The harm to the Green Belt attracts substantial weight. I also give substantial weight to the harm to the significance of a designated heritage asset and to the adverse effects on the host building.
18. From all that is before me, there are no other considerations that override these harms and thus the very special circumstances necessary to justify the appeal scheme do not exist. Consequently, the appeal does not succeed.

Hayden Baugh-Jones

Inspector