

Appeal Decision

Site visit made on 23 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 04 October 2016

Appeal Ref: APP/T3725/D/16/3156638

37 Red Lane, Balsall Common, Warwickshire CV8 1NZ

- 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 Luke Smith against the decision of Warwick District Council.
 - The application Ref W/16/0108 was refused by notice dated 22 April 2016.
 - The development proposed is the erection of a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The site lies within the Green Belt. The main issues are whether the proposal is inappropriate development in the Green Belt; the effect of the proposed development on the openness of the Green Belt; and, 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 development.

Reasons

Whether the proposal is inappropriate development

3. The appeal property is a semi-detached house that stands within a row of dwellings along one side of Red Lane. The main house has been extended with a single storey flat roof rear addition. At roof level, there is a hip to gable extension with a dormer placed onto the enlarged rear roof slope, both of which are not shown on the plans.
 4. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate except where it involves the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building.
 5. The Framework should be read alongside Policy RAP2 of the Warwick District Local Plan 1996–2011 (LP), which deals with extensions to dwellings within and outside the Green Belt. LP Policy RAP2 states that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwelling, taking into account the character, scale and design of the original
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- building, and the openness of the rural area. The LP defines the 'original dwelling' as that which stood as at 1 July 1948 or as first built thereafter.
6. The Council estimates that the original house amounted to about 72.8sqm floor area and that it has been extended at the rear by 15.3sqm and at roof level by a further 38.5sqm. It also states that adding the proposal to previous extensions would enlarge the original building by a total of 69.1sqm, which would be an increase of almost 95%. No other estimates of the size of the building are before me.
 7. The appellant considers that the roof level alterations for which a lawful development certificate has been issued has not resulted in additional floor area. On that basis, the Council's figures indicate that the cumulative increase to the floor area of the original dwelling would be about 30.6sqm, which is an increase of approximately 42%.
 8. The Framework does not define the term 'disproportionate' in the context of paragraph 89. Therefore, an assessment of whether or not the proposal would be disproportionate is a matter of planning judgement. The supporting text to LP Policy RAP2 does, however, state that, as a guide, additions that involve an increase of more than 30% to the gross floor space of an original dwelling in the Green Belt are likely to be disproportionate.
 9. LP Policy RAP2 also refers to other considerations that should be taken into account in the assessment of proportionality such as the design and character of the original dwelling and the effect of development on openness. However, the Framework refers solely to the size of the extension, which is essentially a numerical exercise. As the Framework postdates the adoption of the LP and states current government policy, I attach greater weight to it.
 10. Adding the appeal scheme to all the other extensions would almost double the size of the original building. If the permitted roof alterations were to be discounted from the calculation, as the appellant suggests, the cumulative increase of additions made to the original dwelling would still comfortably exceed 30%. Even allowing for some flexibility to reflect the use of the 30% threshold as a guide, I consider that the proposal would significantly and disproportionately enlarge the original building. Consequently, the proposal constitutes inappropriate development that is harmful to the Green Belt. It therefore conflicts with the Framework and LP Policy RAP2.

Openness of the Green Belt

11. An essential characteristic of Green Belts is their openness. Openness in a Green Belt context is often defined as the absence of visible development. By introducing additional built form to the existing dwelling, the openness of the Green Belt would be reduced. That reduction in openness would be limited in this case given the relatively modest increase to the scale and mass of the existing dwelling.

Other considerations

12. 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 also notes that very special circumstances will not exist

- unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. The proposal has been reasonably well designed, would fit in well with the style of the existing house and the finished dwelling would stand comfortably within the plot. Overall, the proposal would respect the intrinsic character of the host building and would not look out of place among the varied built form along Red Lane. I attach significant weight to this consideration in support of the appeal.
 14. Many properties along Red Lane have been extended and several dwellings include sizeable and prominent additions as the appellant's photographs show and as I saw at the site visit. I have no reason to doubt the appellant's view that several additions are likely to exceed 30% of the floor area of the original dwelling. From what I observed, these extensions have respected the character and appearance of the original dwelling and blended into the local area with varying degrees of success. However, few background details have been provided of these developments and so I cannot be certain that their particular circumstances are the same as the proposal. Although the appellant indicates that most extensions have been built in recent times, it is unclear whether planning permission has been granted for them and, if it has, that the schemes have been assessed in the light of the same national and local planning policies as the proposal. In any event, each development should be assessed on its own merits. Therefore, I am unable to attach more than moderate weight to this consideration in favour of the appeal.
 15. The proposal would enlarge a bedroom and provide an additional bathroom, thus improving the living conditions of the appellant and his family. I attach a moderate amount of weight to this consideration in support of the appeal.
 16. The new development would be largely visually contained within the plot and would not be readily visible from the road. There would be no discernable effect on the character and appearance of the local area or the living conditions of others with the new built form in place. Others raise no objection to the proposal. However, the absence of harm with regard to these matters is not a positive or a negative factor that necessarily weighs for or against the appeal. These considerations are neutral in weight.

Conclusion

17. The proposal would be inappropriate development in the Green Belt and would result in a limited loss of openness. The Framework states that substantial weight should be given to *any* harm to the Green Belt, which I have done. The other considerations carry no more than significant weight.
18. Therefore, on balance, there are no considerations sufficient to clearly outweigh the harm to the Green Belt and so there are no very special circumstances to justify the development. As such, it is not a sustainable form of development. Accordingly, the appeal is dismissed.

Gary Deane

INSPECTOR