
Appeal Decision

Site visit made on 12 April 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/J3720/D/17/3170926

Hither House, Star Lane, Claverdon CV35 8LW

- 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 Tom Manners against the decision of Stratford on Avon District Council.
 - The application Ref 16/03631/FUL, dated 12 June 2016, was refused by notice dated 30 January 2017.
 - The development proposed is a two-storey extension and new dormer windows.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey extension and new dormer windows at Hither House, Star Lane, Claverdon CV35 8LW in accordance with the terms of the application, Ref 16/0361/FUL, dated 12 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Floor Plans & Elevations 3365-01A; Proposed Plans, Elevations & Sections 3365-02G.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matters

2. I have used the description of development from the application form rather than the one given on the Decision Notice. The Decision Notice refers to an existing timber single-storey structure to the rear of the appeal building as well as the proposed development. The appellant has indicated that is their intention to establish the lawfulness in planning terms of this structure via an application for a Certificate of Lawful Use or Development. Accordingly, I have assessed the appeal on the basis that the proposed development is as described above.
 3. I was supplied with two different versions of the proposed plans, one depicting two dormer windows (drawing no. 3365-02J) and one with three (drawing no. 3365-02G). However, I note that the application form references drawing no. 3365-02G in the relevant section, and that the Officer Report mentions three
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dormer windows in its assessment of the proposed development. Accordingly, I have considered the appeal on the basis of plan no. 3365-02G.

Main Issue

4. The appeal property is within the West Midlands Green Belt, accordingly, I consider the main issue to be whether or not the proposed development comprises inappropriate development for the purposes of national and development plan policy

Reasons

Whether or not Inappropriate Development

5. The appeal property, Hither House, is a substantial two-storey brick-faced building set within generous grounds. An original side wing has been extended in the past¹, which, whilst giving the side wing a wider frontage than the main part of Hither House, nevertheless remains a subservient element due to its shallower plan depth and set down from the roof. Sited in a location with a strongly rural character, Hither House is one of a number of sporadic buildings in the environs of Star Lane including other dwellings, limited agricultural buildings and a water tower, set within open fields bounded by fences, hedges and mature trees.
6. The proposed development would introduce three dormer windows on the front roof slope of Hither House's side wing. A narrow two-storey extension would be added to the side wing's flank wall. The proposed extension would be pitched-roofed and set down from the side wing's roof, and set back from its principal elevation. This extension would replace the existing external staircase that links the two floors of the side wing.
7. The National Planning Policy Framework (the Framework) establishes that the Government attaches great importance to Green Belts, and that their fundamental aim is to prevent urban sprawl by keeping land permanently open. With limited exceptions, the construction of new buildings in Green Belt should be regarded as inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy CS 10 of the Stratford-on-Avon District Core Strategy (adopted July 2016) (the Core Strategy) establishes this approach in terms of local policy.
8. The Framework gives examples of exceptions to this general principle. These include, amongst other things, 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. The Core Strategy states that small-scale extensions or alterations to buildings would not be inappropriate in principle where the extension would not cause material harm to the openness of the Green Belt.
9. It is common ground between the parties that the original building for the purposes of the Framework and Core Strategy comprises the original part of Hither House excepting the extended elements of the side wing. The previous alterations to the side wing constitute a considerable addition to the original dwelling. However, the limited scale, proportions, and subservient siting of the

¹ In accordance with the planning permissions 77/0612/FUL and 03/01196/FUL

side wing mean that the former alterations do not read as disproportionate additions in the context of the more dominant Hither House, and the setting offered by its generous grounds.

10. Moreover, the proposed side extension is of a very limited size and volume, and would be developed on an area currently occupied by hard-standing and would replace an existing external staircase on the side wing's flank wall. The proposed side extension would be more substantial in character than the existing staircase and hardstanding at the site. Nevertheless, given the presence of this existing development, the proposed extension would have only a negligible effect on the openness of the site. As a consequence, I consider that the side extension would not deplete the openness of the site to a degree that would be of material harm to the Green Belt, and when taken together with its small-scale it would therefore meet the exception given in Policy CS10 of the Core Strategy.
11. Furthermore, due to their limited scale and proportions, the proposed side extension and dormers, taken together, would only constitute a very modest increase in built development at the appeal site. Consequently, they would not result in cumulatively disproportionate additions to the original house when taken together with the existing extension of the side wing. As a result the proposed development would meet the relevant exception given in the Framework.
12. The proposed development would thus not constitute inappropriate development for the purposes of either national or development plan policy; and I can thus detect no conflict with Policy CS10 of the Core Strategy in these regards insofar as it seeks to ensure that the purposes of the Green Belt are upheld through resisting inappropriate development.

Conditions

13. I have assessed the conditions suggested by the parties against the tests given in paragraph 206 of the Framework, which are that they should only be attached where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. I have also been mindful of the Government's Planning Practice Guidance (PPG) in my assessment of these.
14. In the interests of certainty, I have attached a condition specifying the approved plans. In order that the proposed development is sensitive to the character and appearance of its host dwelling I have attached a condition requiring the use of matching materials in its construction.
15. However, PPG² advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity, and should only be used in exceptional circumstances. As a consequence, I consider that no exceptional circumstances have been demonstrated in this case that would justify a condition restricting permitted development rights relating to outbuildings and other ancillary residential structures at the appeal site. Accordingly, I have not attached such a condition.

² At Paragraph: 017 Reference ID: 21a-017-20140306
Revision date: 06 03 2014

Conclusion

16. The proposed development would not conflict with the development plan insofar as the policy that has been drawn to my attention is concerned. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR