
Appeal Decision

Site visit made on 25 April 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/E3715/D/17/3170088

Garden Cottage, Withybrook Road, Street Ashton CV23 0PJ

- 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 Mrs Steuart against the decision of Rugby Borough Council.
 - The application ref: R16/2319, dated 11 October 2016, was refused by notice dated 9 December 2016.
 - The development proposed is a conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a conservatory at Garden Cottage, Withybrook Road, Street Ashton CV23 0PJ, in accordance with the terms of the application, Ref R16/2319, dated 11 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, all with the reference 99/92297: site location plan at 1:1250 scale, block plan at 1:500 scale, Existing Plan and Elevations (Page 1 of 2) and Proposed Plan and Elevations (Page 2 of 2).
 - 3) The facing materials to be used in the construction of the development hereby permitted shall be as set out on the application form.

Main Issues

2. The main issues are i) whether or not the proposal constitutes inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies; and ii) the effect of the proposal on the character and appearance of the host property and the area.

Reasons

Green Belt

3. The site is located within the Green Belt where the National Planning Policy Framework ('Framework') states that inappropriate development is, by

definition, harmful, and should not be approved except in very special circumstances. At paragraph 89 it regards the construction of new buildings as inappropriate, unless, amongst other things, it 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.

4. In addition to the Framework, the Council's decision refers to policy CS1 of the Rugby Borough Core Strategy 2011 ('RBCS'). That policy sets out its overall development strategy, and states that in the Green Belt development will only be permitted where it is allowed by national policy.
5. From the Council's evidence, and that of my visit, it appears that the original two storey building at Garden Cottage has been previously extended with a two storey side projection, and a single storey addition to its southern elevation. Although I have not been provided with volumetric calculations of those extensions, the Council states that they amount to substantially more than 30% of the original building's volume. It continues that 30% is the amount that it normally considers appropriate in the Green Belt, and that the conservatory would add approximately a further 27 cubic meters.
6. The ridge of the existing two storey extension is set below the ridge of the host property, its front and rear walls are recessed, and across the front and rear elevations it is very significantly shorter than the original building. Although the single storey projection has a large footprint, its overall scale and bulk is limited by its flat-roofed form, and it is far lower than the original building.
7. The proposed conservatory would be attached to the single storey projection and would therefore extend the building's footprint further to the south. However, its shallow sloping roof would be lower than that projection's roof, and it would be of modest dimensions. Furthermore, its predominantly glazed construction would give it a lightweight appearance.
8. Neither the Framework, nor RBCS policy CS1, define 'disproportionate additions', and it is unclear from the evidence before me the origins of the Council's 30% rule. In any event, whilst mathematical calculations may provide a useful guide, they are a rather crude measure. For the reasons above, I am satisfied that, taking account of the cumulative impact of previous extensions, the proposed conservatory would not result in disproportionate additions to the original building. The proposal would therefore not be inappropriate development in the Green Belt and would not conflict with paragraphs 87 and 89 of the Framework, or with RBCS policy CS1.
9. Impact on openness is implicitly taken into account in the exception at bullet point 3 of Framework paragraph 89. Consequently, although the Council additionally contends that the scheme would intrude into the Green Belt's openness, having concluded that the development would not be inappropriate, it is not necessary for me to separately assess its impact on openness.
10. Whilst the Council's reason for refusal states that the scheme would be contrary to RBCS policy CS16, that policy does not refer to the Green Belt and is therefore not directly relevant to this issue.

Character and appearance

11. By their very nature, conservatories are often of a form, design and materials which contrast with the host property. This conservatory's low sloping roof would ensure that the extensions on Garden Cottage's southern elevation would cascade down from the main building. Whilst its glazed and white upvc construction would contrast with the host's buff brick, timber and tiles, they would give it a lightweight and largely translucent appearance.
12. The property is in a rural area, but discretely sited and well screened by trees and hedgerows. Consequently, the scheme would generally only be seen in close up views such as from the driveway, and I am unclear as to why the Council considers its orientation to be unacceptable. In the wider surroundings there are scattered buildings, some of which have extensions such as conservatories, which contrast with the form and appearance of their respective host property.
13. For all those reasons, the proposal would not harm the character and appearance of the host property or the area, and would not conflict with those requirements of RBCS policy CS16.

Conditions and conclusion

14. I have considered the Council's suggested conditions against the Framework's tests. In addition to the standard time limit condition, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans. Finally, in the interests of certainty, and the character and appearance of the host property and the area, a condition is also necessary requiring that the development be faced with those materials set out on the application form.
15. For the above reasons, the scheme would not be inappropriate development in the Green Belt, and would harm neither the character and appearance of the host property, nor the area. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR