
Appeal Decision

Site visit made on 25 May 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 13 July 2017

Appeal Ref: APP/T3725/D/17/3172255

Lyttleton House, Lye Green, Claverdon, Warwick, CV35 8LP

- 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 Robert Hull against the decision of Warwick District Council.
 - The application Ref W/17/0104, dated 20 January 2017, was refused by notice dated 20 March 2017.
 - The development proposed is construction of a two-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a two-storey rear extension at Lyttleton House, Lye Green, Claverdon, Warwick, CV35 8LP in accordance with the terms of the application, Ref W/17/0104, dated 20 January 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The appeal property was extended further to planning permission in 1983¹. In 2016, a Lawful Development Certificate² was granted for a two storey rear extension and single storey side extension; and the Council states that a notification of larger homes extension for a single storey rear extension³ was granted.

Main Issues

3. The appeal site is within the Green Belt and the main issues are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (Section 9: Protecting Green Belt land) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

¹ Ref: W/83/1168.

² Ref: W/16/2016.

³ Ref: W/16/2025.

considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development

4. The appeal property is a two storey detached dwelling located within a large garden within the Green Belt. The surrounding area is rural, comprising open fields, trees and hedgerows.
5. During my site visit, I observed there to be trees and planting to the boundaries of the appeal property. This limits views of the dwelling from the surrounding area.
6. The appellant accepts that the proposed development would comprise a disproportionate addition to the original dwelling. Consequently, the proposal comprises inappropriate development in the Green Belt.
7. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and character and appearance

8. Openness is an essential characteristic of the Green Belt. As noted above, the appeal property is partly obscured from the surrounding area by the presence of trees and planting around its boundaries. As a consequence, the proposed development would be largely hidden from view, with limited scope for what might amount to occasional glimpses of it, over hedgerows and through trees, from distant public footpaths.
9. Nonetheless, the very creation of the two storey extension where no such built development currently exists would, inevitably, result in some reduction of openness. However, this would only be minor, not least as the proposal has been carefully designed such that it would appear as a neat addition in keeping with the host property. Further, I find that its position to the rear of the dwelling, which is dominated by a large garden, bordering countryside, would result in the proposed development having little, if any, impact on its more dominant surroundings – and there is no substantive evidence before me to the contrary.
10. The proposal would not be contrary to Local Plan⁴ Policy RAP2 which seeks to protect openness from development that would *significantly* “extend the visual impression of built development.” I note above that any harm to openness would be minimal. It would not be significant. Further, I find that any visual impressions would be of the large garden, trees, planting and the surrounding countryside, rather than of an extension that would appear in keeping with the appeal property.
11. No substantive evidence has been provided in respect of the proposal resulting in any harm to the character and appearance of the host property, or to that of the surrounding area. Taking this and all of the above into account, I find that

⁴ Warwick District Local Plan 1996-2011 (2007).

the proposal would result in some, albeit minimal, harm to openness and that that there would be no harm to character and appearance.

Other considerations

12. As set out above, the appeal property benefits from permitted development, as authorised by a Lawful Development Certificate. The proposed extension would comprise less floor space and less volume than the extensions that could be built as authorised. Furthermore, the appellant is content for a condition to be imposed such that the authorised development would not be built were the development the subject of this appeal to be constructed.

13. I consider the above factors to comprise a material planning consideration. Were the proposal not to be granted planning permission, then a larger scheme could go ahead and this represents a realistic fall-back position. There is no substantive evidence to demonstrate that the proposal the subject of this appeal would harm local character. Rather, due to its less substantial size, and taking into account the appellant's proposal to prevent the construction of authorised development to the side of the dwelling, I find that the proposal would have a significantly lesser impact on the host property and its surroundings than would the authorised development.

Conditions

14. I have considered the conditions suggested against the six tests set out in paragraph 206 of the Framework. A condition relating to the relevant plans is necessary for the avoidance of doubt and in the interest of proper planning.

15. A condition controlling materials is necessary to protect local character.

16. The appellant has proposed that the right to build the side extension that would be permitted development should be relinquished should the proposal the subject of this appeal go ahead. A condition in this regard is necessary to protect the Green Belt from inappropriate development.

17. Warwickshire County Council Ecology recommended "*that notes relating to bats, notable mammals and amphibians are attached to any approval granted.*" There is a lack of clarity in respect of what such notes might be, or how they might be attached to any approval granted and the Council does not propose a condition in this regard. Notwithstanding this, the appellant has referenced a bat survey and has suggested that "*this could be dealt with satisfactorily by way of appropriate condition.*" Bats are protected by law and a condition is necessary to ensure that the development does not result in harm to a protected species.

Conclusion

18. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight be given to the harm by reason of inappropriateness. I afford limited weight to the loss of openness, which would only be minimal. There would be no harm to the character and appearance of the area.

19. More substantial development than that proposed could be constructed as authorised development and this represents a realistic fall-back position. I find that this amounts to a very special circumstance that clearly outweighs the totality of harm arising.

20. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/T3725/D/17/3172255
Lyttleton House, Lye Green, Claverdon, Warwick, CV35 8LP**

- 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: 2870/301d; 2870/400a; 2870/300c.
- 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development covered by Part 1 Class A or Class B of Schedule 2 to that Order shall be carried out without planning permission granted by the Local Planning Authority.

Should works commence on the development hereby permitted, then the single storey side extension, as shown on the drawings submitted with the application for a certificate of lawfulness application W/16/2016 (approved on 15 December 2016), shall not be built. Should works commence to implement the single storey side extension at Lyttleton House, as shown on the drawings submitted with the application for a certificate of lawfulness application W/16/2016 (approved on 15 December 2016), then the development hereby permitted shall not be built.

- 5) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority for the provision to be made for accommodating bat roosting/nesting boxes within the development wherever necessary. Such agreed details shall be implemented prior to the development first being brought into use.