
Appeal Decision

Site visit made on 23 November 2017

by P G Horridge BSc(Hons) DipTP FRICS MRTPI

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

Decision date: 04 December 2017

Appeal Ref: APP/T3725/D/17/3180647
17 Stoneleigh Close, Stoneleigh CV8 3DE

- 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 Barrie Allard against the decision of Warwick District Council.
 - The application Ref W/17/0517 was refused by notice dated 31 May 2017.
 - The development proposed is first floor and ground floor side extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The issues in this case are: (1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and relevant development plan policies; (2) the effect on the openness of the Green Belt; (3) the effect on the character and appearance of the area and on the living conditions of neighbouring residents; and (4) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site lies within the defined Green Belt. Paragraph 79 of the NPPF notes that the Government attaches great importance to Green Belts. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87). With a number of exceptions, the construction of new buildings (including extensions) is inappropriate development (paragraph 89). Among 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".
4. At the time the application was determined, the principal development plan document relating to the site was the Warwick District Local Plan 1996-2011. This contained a policy (RAP2) under which extensions to dwellings in the Green Belt of over 30% above the gross floorspace of the original building were regarded as disproportionate. This document was superseded by the Warwick District Local Plan 2011-2029 (WDLP) adopted in September 2017. The relevant policy in this plan is DS19 which simply says that the council will apply

Green Belt policy in accordance with government guidance as set out in national planning policy (i.e. the NPPF), but does not specify any percentage figure in respect of assessing whether extensions are disproportionate.

5. The appeal proposal involves the creation of an additional floor of accommodation above the existing bungalow, together with a small enlargement of the existing flat roofed side wing and the provision of a pitched roof over this wing. The appellant does not contest the council's calculation that the extension would result in a significant increase in floorspace of 105.52% above that of the original building. When account is also taken of the increased height and volume of the building, it would amount to a disproportionate addition notwithstanding the absence of any percentage figures in the relevant development plan policy,. The proposal is therefore inappropriate development which, by definition, causes harm to the Green Belt.
6. Openness, particularly in the sense of the 'absence of built development', is one of the essential characteristics of the Green Belt. This increase in the built envelope of the building would have a harmful effect on such openness, although the harm is mitigated by the location of the site within the built-up confines of a village and bounded by other residential development. The extent of the harm to openness is thus moderate.
7. The council considers there would be other harmful effects of this proposal. It argues that the extended dwelling would be an incongruous feature in the streetscene. WDLP Policy BE1 requires, among other matters, that developments should harmonise with the existing settlement, respect local architectural distinctiveness, and respect surrounding buildings. In the present case, a bungalow would be transformed into a two-storey house that would be higher than the properties to either side: number 18 to the south is a dormer bungalow while number 16 to the north is of 1½ storey height, having recently been extended from a bungalow. However, there is a wide variety in the appearance of properties in Stoneleigh Close, with a mixture of bungalows, chalet bungalows and two-storey houses of different designs. In this context the proposed dwelling would not appear out of place or contrary to guidance in Policy BE1.
8. The council further considers that the development would cause a loss of light and outlook to the adjoining properties. WDLP Policy BE3 says that development should not be permitted that has an unacceptable adverse impact on the amenity of nearby residents. In respect of its relationship with number 18, the existing property already breaches the guidance set out in the council's Supplementary Planning Guidance (SPG) '45 Degree Guideline'. Number 18 has a number of windows in the rear elevation which would be affected by the increase in height on the appeal site. The appeal proposal would harm the outlook from, and diminish the daylight reaching, these windows. Number 16 has some ground floor side windows lighting the lounge. The proposed increase in height would reduce the daylight to these windows and reduce the outlook from them. In these respects the development would have an unacceptable adverse effect on the living conditions of residents of neighbouring properties, contrary to Policy BE3.
9. Paragraph 88 of the NPPF notes that 'very special circumstances' (necessary if inappropriate development is to be permitted in the Green Belt) 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.

10. In this case the harm consists of inappropriateness, loss of openness and harm to the living conditions of neighbouring residents. In combination these amount to significant harm. Among the 'other considerations' advanced, the appellant points to the fact that planning permission for 2 houses has been granted elsewhere in the village. However, limited infilling in villages is one of the forms of development that is regarded as 'not inappropriate' in the Green Belt. The appellant also argues that other properties in Stoneleigh Close have been significantly extended, notably those at 16 and 24, under planning permissions granted by the District Council. However, it is not clear whether these extensions were regarded as 'not inappropriate' or whether very special circumstances were demonstrated in these cases. The matters advanced as 'other considerations' in this appeal do not clearly outweigh the significant harm identified above. Consequently very special circumstances do not exist for permitting inappropriate development. The proposal is contrary to WDLF Policy DS19 (as well as to Policy BE3) and to paragraphs 87 to 89 of the NPPF. The appeal is therefore dismissed.

Peter Horridge

INSPECTOR