The Planning Inspectorate

Appeal Decision

Site visit made on 10th May 2018

by Alison Roland BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2018

Appeal Ref: APP/H1840/D/18/3196115
Manor Cottage, Elmbridge Green Road, Elmbridge, WR9 0NH.

- 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 & Mrs Fowler against the decision of Wychavon District Council.
- The application Ref: 17/02563/HP, dated 19 December 2017, was refused by notice dated 9 February 2018.
- The development proposed is conversion of existing single storey garage, ground floor extension and first floor extension to provide annex accommodation.

Procedural Matters

1. Before the Council issued its decision on the planning application, amended plans were submitted in an attempt to address their concerns: (D1 – 17/Fowler/03B Proposed Floor Plans Amended; D2 – 17/Fowler/04B Proposed Elevations Amended; D3 – 17/Fowler/05B Proposed Elevations & Section Amended). The Council nonetheless determined the application as it was originally submitted.

2. Were I to determine the appeal on the basis of the revised plans, I consider that both the Council and third parties in particular could be prejudiced as they have not had the opportunity to comment thereon and they differ significantly from the application as originally submitted. Merely because there are no immediately proximate neighbours does not imply that there would be no prejudice. Moreover, the Planning Appeals Procedural Guide[1] states that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority and on which interested parties' views were sought. I shall therefore determine the appeal on the basis of the application as originally submitted.

3. The main parties were canvassed in relation to the extent of the original building and an email from the Council with plans attached dated 7 June 2018 confirmed the position between them. I have taken this information into account in my determination of the appeal.

[1] Procedural Guide Planning Appeals- England Paragraph M.2.1 Annex M

Decision

4. The appeal is dismissed.

Main Issue

5. The main issue in this appeal is whether the proposal amounts to inappropriate development in the Green Belt (GB) and if so, 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

6. The appeal site comprises a detached brick built dwelling derived from two former cottages which have been amalgamated into one dwelling. The main two storey element has been extended with a single storey link to a double garage to one side and a conservatory to the rear.

7. The proposals would see the garage and link to the main house remodelled and enlarged to accommodate the proposed annex, including a single storey art studio to one side and single storey flat roofed extension along the rear elevation with access to a terrace on its roof from the first floor bedroom. The design is strikingly contemporary and the materials palette including timber cladding and render, would contrast with the traditional red brick and tile of the host dwelling.

8. The National Planning Policy Framework (the Framework) states that the extension or alteration of a building is not inappropriate development in the GB provided that it does not result in disproportionate additions over and above the size of the original building. The appellant claims the original building is as it exists at present. I have no dispute with the term original encompassing the two cottages from which the appeal property was derived. This is not least because an assessment of the proposal against two properties which no longer exist would be a contrived exercise. However, Annex 2 of the Framework defines the term original building as a building *as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally*.

9. Following canvassing on this point, both parties agree that the property has been previously extended through the double garage with single storey link and the addition of a rear conservatory. These two additions appear to date from 1977 and 1987 respectively. A further permission was granted in 2005 but was apparently not implemented.

10. The proposed extensions would effect a marked increase in scale of the appeal property. Whilst some elements would be single storey and others sited above the existing garage and link, the overall resultant dwelling would appear markedly bulkier than at present, particularly at first floor level. The effect would be obvious from the public domain, most notably from the front and rear elevations of the property (visible from the road to the east of the property and the estate road which intersects therewith).

11. The appellant criticizes the submissions of the Council in respect of their calculations concerning the proposed floor areas. Whatever their accuracy, I have instead relied on observations made at my visit and the plans and

illustrative views submitted at application stage in order to assess the size and massing of the proposals and the resultant building. Moreover, the reference to *size* in the Framework connotates an assessment of a proposal in its three dimensions and not merely with regard to its footprint.

12. Taking the appeal proposals in isolation, I consider that they would appear as an unwieldy addition to the dwelling as existing. However, taken together with the previous garage and link extension plus the rear conservatory, (which is the correct approach having regard to the definition of original building in the Framework), the original dwelling would appear engulfed in extensions. The proposal would amount to a disproportionate addition to the original dwelling and thus inappropriate development in the GB.

13. Added to the harm by reason of inappropriateness would be a loss of openness to the GB as a result of the increased scale and massing of the dwelling, particularly at first floor level. This harm would be localized, but paragraph 88 of the Framework states that the decision maker should ensure that substantial weight is given to any harm to the GB.

14. In addition to GB harm, the Council and third parties also cite concerns with the design of the proposals. I concur that they would markedly deviate from the massing, design and detailing of the host property, particularly in respect of the fenestration, radically different materials palette and single storey flat roofed rear extension, to the extent they would appear to pay little homage to the host dwelling. The effect would be exacerbated by their scale relative to the host property and the fact the property stands in isolation and at a road junction, which tends to draw the eye. The charm of the existing arts and crafts style cottage with its distinctive architectural detailing would be appreciably undermined. The proposal would quite simply appear incongruous in relation thereto.

15. I have found on the main issue that the proposal would amount to inappropriate development in the GB. Added to that harm would be a loss of openness to the GB and harm to the character and appearance of the host property and its setting arising from the design and scale of the proposals. This would bring it into conflict with Policies SWDP 1, SWDP 2, SWDP 21 and SWDP 25 of the South Worcestershire Development Plan (February 2016), as well as the guidance in the South Worcestershire Design Guide Supplementary Planning Document *Overarching Design Principles* (March 2018). These seek to secure sustainable development (including safeguarding landscape character), ensure that development in the GB complies with national policy set out in the Framework and secure high design quality in development, including residential extensions, which is appropriate in its scale, materials and massing to the host property and setting. I attach substantial weight to these findings.

16. Whilst the appellant queries the significance of Policy SWDP 25, one of the key characteristics of the "Principal Timbered Farmlands" (defined in the Landscapes of Worcestershire Landscape Type Information Sheet), is the brick and timber building style of old properties. Through markedly undermining the character of the existing cottage and not reflecting its traditional materials, the proposal would fail to integrate with the landscape character of its setting.

17. The Council have also supplied copies of Policies SWDP 22, SWDP 27, SWDP 28 and SWDP 29. However, these relate to biodiversity, renewable and low carbon energy, flood risk and sustainable drainage systems respectively and add nothing to their case on the main issue.

18. In support of the proposal the appellant points out that the accommodation would allow the appellants and their immediate family to continue to reside at the appeal site and offer a network of family support in the coming years. I have no reason to doubt this benefit and I attach some weight to this factor. However, this is limited by the fact that the appeal scheme would by no means be the only way to achieve that end and other less harmful schemes could be devised.

19. The appellant also cites the replacement of the unsympathetic metric gauge facing brickwork to the garage and link. Whilst this might not exactly match the brickwork in the cottage, it is not a difference that is discernible to other than the trained eye. I therefore give very limited weight to this particular matter.

20. The potential exercise of permitted development rights is cited with regard to possible extensions and recladding of the exterior of the building with other materials. However, no specific scheme has been advanced and I am not persuaded therefore, that this represents a realistic fallback position that has some prospect of being implemented. I thus attribute limited weight to this factor.

21. For the appeal to succeed, the combined weight of the other considerations raised by the appellant must be sufficient to clearly outweigh the totality of harm identified. Overall, I conclude that the other considerations raised by the appellant, would not clearly outweigh the totality of the harm identified. It follows that the very special circumstances necessary to justify the development do not exist. The appeal therefore fails.

ALISON ROLAND

INSPECTOR