
Appeal Decision

Site visit made on 14 May 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/J3720/D/19/3222267

1 The Yard, Bearley CV37 0SN

- 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 Joe Knight against the decision of Stratford on Avon District Council.
 - The application Ref 18/03022/FUL dated 10 October 2018 was refused by notice dated 10 January 2019.
 - The development proposed is part demolition and construction of new one and half storey extension to provide additional bedroom and living space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised National Planning Policy Framework (the Framework) was published in February 2019 after the issue of the Council's decision. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt;
 - The effect of the development on openness of the Green Belt;
 - The effect of the development on the character and appearance of the area and the Arden Special Landscape Area;
 - whether the proposal would preserve or enhance the character or appearance of the Bearley Conservation Area;
 - If it is inappropriate development, 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

Whether Inappropriate Development in the Green Belt

4. The Framework identifies that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions set out in Paragraph 145 of the Framework. One exception 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. In the glossary to the Framework, the reference to "original building" means the building as it existed on 1 July 1948 or if constructed after 1 July 1948, as it was built originally.
5. The saved policies of the Local Plan predate the Framework. The Framework advises that due weight should be attached to relevant policies according to their consistency with the Framework. As Policy CS.10 of the Stratford-on-Avon District Core Strategy(2011-2031) (the Core Strategy) adopts much the same wording as the Framework in applying the test of proportionality, it can be attached substantial weight.
6. The appeal site is in the village of Bearley and is an end terrace of a terrace of dwellings called the Yard off Church Lane and is predominantly two storey with single storey elements. The appeal proposal seeks to demolish the single storey elements and add a one and a half storey extension and a single storey extension to the side. The Council considers that the appeal proposal would result in a percentage increase of 39.6%. The appellant does not think that the Council has taken into account what is described as the existing detached store in calculating that increase. However, the Council's delegated report does refer to the original dwelling as being two storeys with a smaller single storey side element and external stores built prior to 1945.
7. Plan reference 18-354-1 shows a larger store area which adjoins the single storey living area element and separate more modest stores in the corner of the site which accords with the Council's description of the original house. Whilst, plan reference 18-354-2 shows volume calculations, unlike the previous plan, it shows the line of the original building extending beyond the modest stores. Even if I were to accept the appellant's figures, the percentage increase is not in itself a determining factor and whilst reference is made by the appellant to other Councils setting percentage thresholds, that is not the case here.
8. Although described as one and a half storey element, the new middle section of the appeal proposal would be only slightly lower at eaves and ridge height than the main two storey element of the building. The appellant considers that the Council has referred to incorrect figures for the difference in height for the middle section and I have therefore relied upon the appellant's figures of around 0.75 metres for the height difference and 0.9 metres set back at the front. As well as the increase in height, the new single storey element would be larger than the combined store elements and would have a pitched roof extending up to the boundary wall of the appeal site. The overall

increase in bulk and height would result in an addition to the original building that would be both significant and disproportionate.

9. For these reasons, therefore the appeal proposal would be inappropriate development in the Green Belt, to which substantial harm should be attached.

Openness

10. The Framework makes clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. There is some openness to the front of the site and within the Yard itself. I accept that the loss of openness directly attributable to the appeal proposal would be small but nevertheless it adds to the overall bulk and height.

Character and appearance

11. The terraced dwellings on the Yard do largely have a symmetrical appearance although only the appeal proposal has a modest front garden and hedging to the front. The dwellings are largely of a simple character. Whilst the linear form of the terrace is retained, I do not consider that the one and a half storey element is subservient. The existing dwelling appears as a two storey cottage type with modest extensions to the side. Hedging to the front of the site means that the existing single storey elements are not particularly visible and do not detract from the terrace of the Yard.
12. The appellant considers that the design features match and that the small dormer windows add a gable feature which is common with properties across the road. However, the Yard is visually distinct from the properties across the road and the window style on the Yard is largely symmetrical. Although the roof pitches may match, that does not overcome the issues with the lack of subservience as a result of the increase in height or the lack of symmetry with the two storey element due to the addition of dormer windows.
13. In particular, the increase to one and a half storeys adjoining the main house with two dormer windows and an increased chimney height is not in keeping in terms of design and scale and siting and would harm the character and appearance of the appeal dwelling and the surrounding area.
14. I do therefore find that the appeal proposal would harm the character and appearance of the area. It would therefore be contrary to Policies CS.9 and CS.20 of the Core Strategy which, amongst other things, state that development will reflect the character and distinctiveness of the locality and extensions will be of an appropriate scale and subservient in relation to the existing building.

Conservation and Landscape Area

15. The appeal site is within the Bearley Conservation Area (the Conservation Area) and within the Arden Special Landscape Area. There a number of listed buildings within Bearley and the Yard itself is said to have architectural merit. The landscape designation refers to respecting the current and historic relationship of the settlement with the landscape. The supporting text indicates that smaller villages and the landscape features around them contribute to the quality of the landscape and the designation washes over them.

16. As I have found that the appeal proposal would harm the character and appearance of the existing building then the contribution that the appeal dwelling would make to the Conservation Area and the Arden Special Landscape Area would be diminished and would not accord with the architectural merit of the Yard. The one and a half storey element at its proposed height would also unbalance the largely symmetrical terrace and is likely to give the impression of a second dwelling.
17. The appellant has questioned reliance by the Council upon a 1994 Conservation Area appraisal in considering the property to have significant architectural merit. However, the parties agree that the appeal dwelling has not been altered since 1948 and the wider terrace similarly appears to have retained its original features.
18. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in Framework terms. I have not been made aware of any public benefits which would outweigh that harm.
19. In conclusion, the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. It would also not respect the historic relationship in view of the architectural merit of the Yard with regard to the Arden Special Landscape Area.
20. The proposal would therefore be contrary to Policy CS.8 of the Core Strategy which, amongst other things, states that priority will be given to protecting and enhancing the Conservation Areas and their settings. It would also be in breach of Policy CS.12 of the Core Strategy which, amongst other things, states that development proposals must respect the current and historic relationship of that settlement within the landscape in relation to the Special Landscape Area.

Other Considerations

21. The appellant has indicated that the appeal proposal is intended to provide space for a growing family. I attribute limited weight to personal circumstances as the appeal proposal would result in permanent changes that would remain after personal circumstances have changed.
22. The appellant has referred to a number of planning decisions made by the Council which he considers to be relevant. However, each proposal has different facts and site specific contexts so that they are not directly comparable to the appeal proposal which has to be considered on its own merits.

Conclusion

23. The appeal proposal would be inappropriate development in the terms set out in the Framework. The effects on openness would be small but the Framework states that substantial weight should be given to any harm in the Green Belt. The substantial weight to be given to Green Belt harm is not clearly outweighed by any other considerations sufficient to demonstrate very special circumstances and as such the proposed development would also conflict with Policy CS.10 of the Core Strategy. I have also found that the appeal proposal

would harm the character and appearance including the Arden Landscape Area and would not preserve or enhance the Conservation Area.

24. For all the reasons given, I conclude that the appeal should be dismissed.

E Griffin

INSPECTOR