
Appeal Decision

Site visit made on 5 February 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/T3725/D/18/3218905

Glenshee, 93 Chessetts Wood Road, Lapworth B94 6EL

- 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 and Mrs Farnworth against the decision of Warwick District Council.
 - The application Ref W/18/1676, dated 30 August 2018, was refused by notice dated 16 November 2018.
 - The development proposed is roof alterations to main roof including installation of three new dormers.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt. Accordingly, the main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework and any relevant development plan policies;
 - ii. The effect on the openness of the Green Belt;
 - iii. The effect of the development upon the character and appearance of the area and host dwelling;
 - iv. The effect of the development upon protected species, with specific regard to bats; and
 - v. If the development is inappropriate, whether there are any considerations, which would clearly outweigh the harm through inappropriateness, and any other harm, sufficient to amount to very special circumstances needed to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The site relates to a relatively large detached dwelling located on Chessetts Wood Road. The property has within its substantial grounds a detached garage to the front and single storey outbuilding to the rear of the dwelling house.
4. The appeal proposal aims to facilitate a loft conversion and additional accommodation at first floor. This includes alterations to the main roof of the house to create a hipped gable end, 2 pitched dormers in the front roof slope

- and 1 large dormer to the rear roof slope. The property would increase in height from a two storey dwelling to a two and a half storey dwelling raising the ridge height to be more in line with the adjoining two dwellings.
5. Paragraph 145 of the Framework states a local planning authority should regard the construction of new dwellings as inappropriate in the Green Belt; exceptions to this include the extension of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
 6. Warwick District Local Plan 2017 (LP) Policy H14 addresses extensions to dwellings in the open countryside and provides a guide to the various criteria against which the acceptability of such development will be assessed, including for development within the Green Belt.
 7. The proposed extension would not result in an increase in the footprint of the building, but would increase the height and mass of the property. The proposal would result in a 270% increase in gross floor area from the original 1950s dwelling house. Accordingly, based on the evidence before me, if I compare the original dwelling to the extended building and include the proposed alterations, cumulatively these additions would be disproportionate and I find the scale of the proposed property would be beyond that considered allowable under Policy H14.
 8. The appellant's claim that LP Policy H14 does however allow for larger extensions than the 30% threshold in certain circumstances, and in this respect, I have had regard to the explanatory text attached to LP Policy H14. They highlight the dwellings position within an established ribbon development fronting Chessetts Wood Road, which is part of an infill boundary, where very large detached new dwellings have been granted permission either side of the appeal site in accordance with the Council's infilling policy. Whilst I accept that this may be the case and I noted this during my site visit, I nevertheless find the proposal would result in an increase of the size of the property, which would be too great to not be considered disproportionate.
 9. The appellants claim that as a fall-back position, demolition of the existing dwelling and a new build could result in a significantly larger property than the appeal proposes, however, there is no evidence to suggest that this would happen. Moreover, both local and national policies seek to restrict replacement dwellings within the Green Belt, which are materially larger than those that they are intended to replace.
 10. Consequently the proposal would result in inappropriate development within the Green Belt and therefore I find conflict with Policy H14 of the LP.
 11. The Framework says that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

12. The Framework states that an essential characteristic of Green Belts is their openness. The height and cumulative bulk of the proposed alterations would be increased. The dwelling would therefore be somewhat more prominent, both spatially and visually and there would be a moderate reduction in the openness. This would conflict with LP Policy H14.

Character and appearance

13. The site is rural in character with views over open fields on the opposite side of Chessetts Wood Road. Large, modern and detached dwellings on either side adjoin the site. All properties are set back from the road with large rear gardens. The appeal proposals relate to the rear of the dwelling, which is only visible from adjoining rear gardens and the rear garden of the appeal property itself. The appeal property is constructed from render whereas the adjacent properties are both red brick. The adjacent properties have considerably higher ridge heights than the appeal property. The appeal property is somewhat dwarfed by the extremely large new homes on either side of it and has lost its visual dominance within the street scene as a result.
14. The proposed development would result in the property being more in keeping with the scale of the development on either side of it, creating a more uniform ridge height in the street scene. The proposal would ensure the dwelling retains its visual dominance within the street scene. I do not consider the proposals would unduly alter the scale, design and character of the existing dwelling and the proposals would not result in harm to the character and appearance of the area.
15. I am of the view that the proposed roof alterations follow the simple gable end design used on several surrounding properties. The proposed alterations to the roof are in keeping with the dwelling as it presently stands and would not dominate the roof slope. The dormer would result in an attractive and contemporary addition to the property. There are many properties within the area that have dormers as part of their design, including the two adjacent properties. The proposed dormer is therefore in keeping with the character of the surrounding area and the proposal therefore accords with Policy BE1 of the Warwickshire District Local Plan (2017) and the Residential Design Guide SPD.

Protected Species

16. Bats are protected by law and their presence is a material consideration in a proposal where there is a reasonable likelihood of a protected species being present and affected.
17. Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System* advises that it is essential that the presence or otherwise of protected species and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances.
18. The Circular continues at Paragraph 99 that “bearing in mind the delay and costs that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development”. The appellants state that the Council did not request that a bat survey was undertaken at any stage in the application process; however, the application was refused on the basis no survey had been undertaken.

19. Despite the above, the Council has referred in their submissions to numerous bat records in the surrounding area, including of bat roosts on Chassetts Wood Road in close proximity to the appeal site. The Council's Ecology Department assessment of the suitability of the roof space of the building for bats has not been challenged by the appellants. I am of the view that the existing dwelling may be suitable for bat roosting and therefore the determination of the decision by the local planning authority without the presence of a bat survey is therefore a significant matter.
20. I have had regard to the appellants' suggestion that this is a matter that could be adequately addressed by a planning condition. However, such an approach would be clearly contrary to the advice to establish the extent to which protected species might be affected before planning permission is granted, as set out within Circular 06/2005. I have therefore discounted this suggestion.
21. I therefore conclude that the proposal would have the potential to result in significant harm to protected species, and would be contrary to LP Policy NE2, which amongst other things seeks to protect protected species in development proposals.

Other considerations

22. I have identified that the proposal would amount to inappropriate development in the Green Belt, and the presumption against inappropriate development would mean that this harm alone attracts substantial weight. The development would also have a moderate adverse effect on the openness of the Green Belt.
23. The appellants contend that the existing built-up character of the site and surrounding area would amount to a very special circumstance, as there would not be harm to the character or context of the area. Whilst I have not found there to be harm to the character and appearance of the area, this is a separate assessment to that which must be undertaken as a consequence of the location within the Green Belt. An absence of harm would also not weigh in support of the proposal but would be a purely neutral factor.
24. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

25. For the above reasons and having considered all the matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be dismissed.

Gemma Jenkinson

INSPECTOR