
Appeal Decision

Site visit made on 21 June 2019

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/J3720/W/18/3218724

Grovewood, Ullenhall, Henley-In-Arden, Beoley, B95 5PP

- 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 Michael Bruce against the decision of Stratford-On-Avon District Council.
 - The application Ref 18/00129/FUL, dated 12 January 2018, was refused by notice dated 26 September 2018.
 - The development proposed is demolition of existing dwelling and construction of replacement dwelling and the erection of an attached garage with living accommodation above along with associated works (amended scheme to extant planning permission 12/02640/EXT).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the above heading was taken from the appeal form and decision notice. It was changed from the description in the application form by agreement between the appellant and the Council.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, and the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development upon the character and appearance of the area; and,
 - if there would be harm by reason of inappropriateness, and any other harm, whether the harm would be clearly outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

4. The Council has accepted that an extant planning permission (12/02640/EXT) for a replacement dwelling substantially larger than the existing house is a

realistic fallback position to the proposal. In its assessment of whether the proposal would be inappropriate development in the Green Belt, the Council compared the effect of the proposal with that of the extant permission. In my view the correct approach is to consider the proposal against the existing dwelling. If it is concluded that the proposal would be inappropriate development that would harm the Green Belt, the extant planning permission should then be assessed under other considerations. This is the approach I have taken below.

5. The appeal site is located within the Green Belt. Paragraph 145 of the National Planning Policy Framework (2019) (the Framework) states that construction of new buildings within the Green Belt is inappropriate development unless the development falls within specified exceptions. One such example listed is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. According to the Council the existing single storey bungalow and detached outbuilding have a combined floor area of 480 sqm, whereas the proposed development would have a floor area of approximately 1584 sqm. The proposed new house is clearly materially larger than the existing one and would, accordingly, amount to inappropriate development in the Green Belt.

Effect on openness

7. Paragraph 133 of the Framework identifies the essential characteristics of the Green Belt as being its openness and permanence. The proposal site is located on the side of a hill in the open countryside with extensive views. Although trees largely screen the site from the adjacent road the proposed development would be seen through gaps in the trees particularly in the winter. There are public footpaths to the rear and front of the site. Although they do not appear to be well used and are similarly screened there would be glimpses of the proposed development from them. There are also long-distance views looking downhill from the site and correspondingly it would be visible from a distance, albeit the land from which it would be seen may not have public access. Nevertheless, there would be partial views of the proposed development from these areas.
8. The proposed development would replace the existing 1 storey bungalow with a substantially larger two storey house resulting in a significantly more prominent building which would erode the openness of the site and the Green Belt.
9. I therefore conclude that the proposed development would harm the openness of the Green Belt. The proposed development would thus be contrary to Policy CS.20 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (2016) (CS) which requires that openness in the Green Belt should be considered when assessing housing applications and that a replacement dwelling should not be larger than the dwelling it would replace.

Character and appearance

10. The existing house is single storey and built into the slope with a projecting rear wing. The proposed development would be 2-storey. A lower ground floor would be partly exposed opening out onto a terrace where the land undulates and faces down the hill. The proposed development would be higher and wider

across its principle elevation than the existing dwelling. Although the proposed landscaping would to an extent mitigate its visual impact, it would nevertheless be more visually intrusive than the existing house. It would appear bulky and incongruous, particularly seen against the woodland backdrop, and thus harmful to the landscape.

11. The proposed house design is classical, reflected in features such as pediments, columns, balconies, rendered finish, slate roof and symmetrical detailing and fenestration. Several houses between the site and the village of Ullenhall are designed in the 'Arts and Crafts' tradition and others take cues from it. Although not all buildings have the same external features, the key characteristics I observed were exposed red brickwork, tall chimneys, some exposed timber, gable projections, and large roof areas often clay tiled and with dormer windows which add variation to the roof form. I saw no classical 'Georgian' country house designs of the type proposed. The local examples of Georgian properties provided by the appellant appeared to be in a village location and seen within the context of neighbouring properties. The examples of country houses in Warwickshire did not appear to be local to Ullenhall and were historic buildings. The examples provided are not therefore directly comparable to the proposal. The proposed development would be out of character with nearby houses and would harm the character and appearance of the area.
12. I therefore consider the proposal would conflict with Policies CS.5, CS.9, CS.12, CS.20 and AS.10 which require a replacement dwelling to be similar in size to the dwelling it will replace, seek development that has regard to local distinctiveness and ensures a continuity of key local design features, takes into account openness in the Green Belt and minimises impact on the character of the local landscape.

Very Special Circumstances

13. As noted, there is an extant planning permission for a replacement dwelling similar in size to the proposed development. The Council accepts this is a realistic fallback position and I have no evidence to suggest that this is not the case. In anycase, I consider the substantial difference in size between the existing single storey bungalow and the development permitted under the extant planning permission is such that it too would be inappropriate development that would erode the openness of the Green Belt. Therefore, given the harm that development of the extant permission would cause, I accord the fallback position significant weight.
14. In order to assess whether the fallback position amounts to the 'very special circumstances' necessary to justify the proposal, I must consider whether any benefits would be achieved by avoiding the fallback position.
15. The parties dispute the effect in terms of visual intrusion caused by the proposed development versus the design of the extant permission. The appellant has provided overlay elevation drawings comparing the two which demonstrates that the proposed development would be marginally lower and more compact. However, I do not consider the differences in size would be readily discernible.
16. In my view, the key issue is which of the designs would be less harmful in terms of their effect on the character and appearance of the area. The

approved design under the extant planning permission reflects the local 'Arts and Crafts' vernacular in terms of its large steep roof, projecting gables, tall chimneys, varied fenestration and red brick walls all of which are local design features. It has regard to local distinctiveness which the proposal does not. It would therefore be less harmful to the character and appearance of the area.

17. The appellant suggests that there would be benefits over the extant permission arising from additional native tree planting and extra landscaping which would improve biodiversity and further screen the site. I have already assessed the site as being reasonably well screened. I accept that there would be biodiversity benefits. However, I do not consider that the benefits would outweigh the harm to the character and appearance of the area such that proposal would be less harmful than the approved extant scheme.

Conclusion

18. As required by paragraph 144 of the Framework, I have given substantial weight to the Green Belt harm arising through the scheme being inappropriate and harming openness. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt and other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As a result, I find the proposal to be in conflict with CS Policies CS.5, CS.9, CS.12, CS.20 and AS.10 and with the Framework. Therefore, I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR