



Appeal Decision

Site visit made on 13 August 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2019

Appeal Ref: APP/T3725/D/19/3229742

Bramley Cottage, Mill Lane, Little Shrewley, Shrewley, CV35 7HN

- 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 Richard Day against the decision of Warwick District Council.
 - The application Ref W/18/2440, dated 21 December 2018, was refused by notice dated 19 March 2019.
 - The development proposed is a two storey side extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above is taken from the application form. However, the plans and the accompanying details indicate that the proposal was amended to a single storey side extension during the period that the Council was considering it. It is also described as such on the appeal form. The proposal therefore comprises a single storey side extension after the demolition of an existing garden room and conservatory. The Council dealt with the proposal on this basis and so shall I.

Main Issue

3. The main issue is the effect of the proposal in relation to the Green Belt as follows:
 - Whether or not the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy, and its effect upon the openness of the Green Belt;
 - If the development is inappropriate, whether any harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development, including its effect on openness

4. Bramley Cottage is a detached two-storey three-bedroom dwelling set back from Mill Lane behind a generous front garden. It has a smaller garden to the rear that includes a detached outbuilding. Viewed from the front, there is a single storey projection on the right-hand side of the house whilst on the left, a

single storey garden room and separate conservatory extend from the flank elevation. The site lies within the Green Belt.

5. The Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It advises at paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within certain listed exceptions. This includes at (c), 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.
7. The glossary to the Framework defines 'original' to be a building as it existed on 1 July 1948 or, if constructed after that date, as it was originally built. The Framework does not provide a specific definition of what would constitute a disproportionate addition. It is an assessment made on a case-by-case basis, taking into account the specific circumstances of the site and the proposal.
8. However, the explanatory text to Policy H14 within the Warwick District Local Plan 2011-2029 (Adopted September 2017) (WDLP) does provide some guidance. In relation to dwellings within the Green Belt, it advises that, taking into account any previous additions, an extension that results in an increase of more than 30% to the gross floor space of the original dwelling, (being that which stood at 1st July 1948), excluding any detached buildings, is likely to be considered disproportionate.
9. I recognise that Policy H14 relates specifically to dwellings in the open countryside and the appeal site is not, being within the village of Little Shrewley. Nonetheless, the explanatory text confirms that its objective is partly to limit the size of extensions within the open countryside, including the Green Belt, in order to retain the openness of the rural area. This is broadly consistent with the Framework and to that extent, it provides clarity on the local definition of what is considered to be disproportionate.
10. Based upon the evidence before me and my observations on site, the original building was a two-storey, two-bedroom dwelling, known as Milton Cottage. It had a modest gable ended form, constructed in a traditional red brick that is partly evident on the existing house. Historically, it also had an attached two-storey scullery to the rear, which has since been demolished. The Council's Officer Report identifies the floor area of the original building to be approximately 70m². Neither this figure, nor the Council's assessment of existing and proposed floor areas have been disputed by the appellant.
11. The property was significantly extended in the 1960s with a two-storey gabled front projection, which I saw on site. The conservatory and garden room were added subsequently, bringing the existing total floorspace to approximately 145m². The proposal would result in the demolition of the conservatory and garden room, being approximately 28m², and their replacement with a single storey side extension with a floorspace of approximately 32m². This would result in a total floor area of approximately 149m².
12. I appreciate that, in comparison with the existing floor area, the appeal proposal would only result in an increase of approximately 4m². It would,

nonetheless, add more floor space to the property. It would also further increase the footprint of the dwelling in comparison to the original building. Taking into account the previous additions to the property, the proposal would considerably exceed the 30% threshold suggested by the supporting text to Policy H14.

13. Whether the proposal would be disproportionate, however, is not only a matter of floorspace, but also the scale and form of the enlarged building. In this regard, the existing garden room is modestly set back from the front gable and there is a gap to the conservatory behind. However, the proposal would be built up to the front building line of the gable and it would extend for almost the entire depth of the dwelling. Furthermore, the hipped roof to the extension would obscure more of the flank elevation than the pitched roofs of the existing single storey projections. Consequently, it would appear more substantial.
14. Assessed against the original building, and when added to the previous extensions that have already taken place, the proposal would therefore result in a disproportionate addition for the purposes of Policy H14 and the Framework.
15. Paragraph 133 of the Framework also confirms that the essential characteristics of Green Belts are their openness and their permanence. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.
16. I recognise that the gap between the existing conservatory and garden room cannot be seen from the road and that the proposed extension would, in terms of its floorspace, be only slightly larger than the combined floor area of these two additions. It would, however, be bulkier. The hipped roof would extend continuously along the length of the proposed extension so that it would be higher overall compared to the separate pitched roofs of the existing structures. It would therefore represent a continuous solid form along the side of the house. This would be visible at least from the neighbouring field. It would also be marginally closer to the road than the existing garden room.
17. Consequently, the proposal would be more visually prominent compared to the two existing additions that are to be replaced. Its construction in brick would also be more solid, at least in comparison to the extensive glazing of the conservatory, which represents a more lightweight and transparent addition to the house. I therefore consider that the proposal would result in harm to the openness of the Green Belt.
18. I appreciate that the appellant also cites Paragraph 145 (d) of the Framework in relation to the replacement of a building, as well as Paragraph 145(g), which refers to limited infilling or the partial or complete redevelopment of previously developed land. In light of my assessment above, however, I find that the proposal would, in any event, be materially larger than the extensions it would replace, and it would also have a greater impact on the openness of the Green Belt than the existing development.
19. For these reasons, I therefore conclude that the extension would be inappropriate development, that is, by definition, harmful to the Green Belt, with associated harm upon its openness. Whilst I do not find conflict with Policy H14 of the WDLP as it relates only to dwellings in the open countryside, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that

decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration, with which I find the proposal would clearly conflict. This is a matter to which I attach substantial weight.

Other considerations

20. I appreciate that the proposal would bring together the garden room and conservatory into a single extension. It would be constructed in materials to match the existing dwelling and its design and scale would be similar to the single storey projection to the other flank elevation. In this respect, the Council consider that it would not appear incongruous within the street scene and from my observations on site, I have no reason to disagree. Given its scale and the distance to neighbouring properties, the proposal would also cause no detriment to their living conditions. However, the absence of concern in these respects is a neutral factor that does not weigh in favour of the proposal.
21. I recognise that the Council has not raised specific concerns in relation to matters of ecology, with regard to Bats and Great Crested Newts in particular. However, this is also not a matter that diminishes the harm that I have identified in respect of the main issue above.

The Green Belt Balance

22. I have concluded that the proposed extension would be inappropriate development that would also be harmful to the openness of the Green Belt. It would conflict with national policy that I have previously identified.
23. The Framework confirms that substantial weight should be given to such harm to the Green Belt. Furthermore, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. There are no other considerations in favour of the development that clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

25. The appeal is dismissed.

Kate Mansell

INSPECTOR