



Appeal Decision

Site visit made on 17 September 2019 AJ Sutton BA Hons Dip TP DMS MRTPI

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/T3725/D/19/3231719

Pinnars Cottage, Old Warwick Road, Lapworth, Warwickshire B94 6AZ

- 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 Ian Fernie against the decision of Warwick District Council.
 - The application Ref W/19/0327, dated 18 February 2019, was refused by notice dated 24 April 2019.
 - The development proposed is described as 'Single storey side extension'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appeal property is within a conservation area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The Council has assessed the proposal, concluding it would not harm the character or appearance of the conservation area. I have reviewed the information before me and find that the proposal would preserve the character and appearance of the conservation area.

Main Issues

4. The appeal property is located in the Green Belt and therefore the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;

the effect of the proposal on the openness of the Green Belt; and

 - if the development is inappropriate, 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

5. The appeal property is a brick built, detached dwelling, flanked by the Old Warwick Road on the northern boundary and the canal to the south. It is bounded on all sides by mature vegetation and hedges, which allows only glimpsed public views of the dwelling. The appeal property has been extended, to include a conservatory to the rear which forms a connection between the principal dwelling and what is understood to be a converted outbuilding.
6. The Framework establishes that the construction of new buildings is inappropriate in the Green Belt. There are however a number of exceptions, including 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. The Framework makes it clear, in its Glossary, that 'original building' is a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally.
7. Policy H14 of the Warwick District Local Plan 2017 (Local Plan) provides guidance on this matter within its supporting text setting out that an increase of more than 30% to the gross floor space of the original dwelling in the Green Belt would be likely to be considered disproportionate.
8. There is no dispute between the parties that the property has been extended in the past or that the 30% increase in the gross floor area has been exceeded by these extensions. Indeed, the information provided by the appellant indicates that the existing extensions amount to at least 50% over the size of the original building.
9. The Framework does not provide a definition of disproportionate and it is noted that the supporting text of Local Plan Policy H14, as set out above, provides an indicative guide when considering such matters. However, it is clear that the test is one of proportionality, and an increase in floor area of the original dwelling by more than 50% is substantial. I find therefore that whilst the proposed extension is modest in itself, when taken in combination with the existing extensions to the property, that the 'original building' would be engulfed by extensions.
10. I conclude that the proposal would amount to a disproportionate addition over and above the size of the original building. As such the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

11. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. I note the appellant's submissions that the Council did not assess the effect of the proposal on the openness of the Green Belt. However, given the importance that the Framework attaches to this

matter it is necessary for me to assess the impact of the proposal on the openness of the Green Belt.

12. The proposal would result in a spatial and visual change to the property and its environs, and although this change would be small, a reduction in the openness of the Green Belt would result. Whilst such a reduction would be limited and localised, harm to the Green Belt would be caused.

Other Considerations

13. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that '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.
14. The appellant contends that an alternative development would be allowed by virtue of permitted development rights at the rear of appeal property, which may be more harmful to the openness of the Green Belt and the conservation area. Although intent to implement this "fall back" position has been expressed by the appellant, the limited information provided does not allow me to draw conclusions on this matter. Accordingly, this limits the weight that I can give to this matter.
15. I note that the Council has previously found extensions to the property to be acceptable which exceeded the percentage increase set out in Policy H14. Be that as it may, I have considered the proposal on its merits and found that harm to the Green Belt would result for the reasons set out above. The Council's approval of earlier extensions to the property does not justify further extensions which would be harmful to the Green Belt.
16. Whilst I note the appellant's frustrations with matters related to the implementation of the Lawful Development Certificate and consultation regarding the designation of the conservation area, these are matters beyond the scope of the decision before me.
17. The support for the proposal from the Parish Council and District Councillor and the absence of objections from third parties carries only neutral weight in my consideration of the proposal and does not alter the conclusions that I have reached.

Conclusion

18. The new extension would be inappropriate development in the Green Belt and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. At most I give limited weight to the material considerations cited in support of the proposal and conclude that, taken together, they do not outweigh the harm the proposed development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal would therefore conflict with the aims of the Framework in respect of Green Belts, and Local Plan Policy H14, which whilst not specifically referring to extensions in the Green Belt, requires that extensions to dwellings in the open countryside are not disproportionate additions to the original dwelling and retain the openness of the rural area.

Recommendation

19. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

R C Kirby

INSPECTOR