



Appeal Decision

Site visit made on 7 October 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/T3725/D/19/3230418

17 Stoneleigh Close, Stoneleigh CV8 3DE

- 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 & Mrs B Allard against the decision of Warwick District Council.
 - The application Ref W/19/0148, dated 31 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed is alterations to dwelling to include increase in ridge height to provide first floor accommodation, repositioned chimney and alterations to existing utility.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed that their decision was based on Drawing No 002E 'Roof alterations to provide for second floor' and I have assessed the appeal on the basis of this plan.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - (ii) The effect on the openness of the Green Belt.
 - (iii) If the proposal would be 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 or not inappropriate in the Green Belt

4. The appeal site is located within the village of Stoneleigh and within the West Midlands Green Belt. The proposal would utilise the existing footprint of the dwelling, raising the eaves and ridge height with provision of first floor accommodation within the roofspace.

5. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. 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.
6. The Council's decision refers to Policy H14 (Extensions to Dwellings in the Open Countryside) of the Warwick District Local Plan (2017) (the LP) in finding that the proposal would be disproportionate. Stoneleigh is defined as an Infill Village in the LP. The explanatory text under Policy H14 confirms that the open countryside is defined as areas other than Urban Areas, the Growth Villages and the Limited Infill Villages but also confirms that the policy applies with equal measure within areas designated as Green Belt. Stoneleigh is washed over by Green Belt and therefore I consider Policy H14 to be a material consideration. This is also confirmed by Policy DS18 (Green Belt) of the LP which states that the Council will apply national policy to proposals within the Green Belt and that other policies in the LP including Policy H14 expand upon the meaning of exceptions to what is deemed inappropriate.
7. The explanatory text under Policy H14 states that each case will be considered on its own merits, although as a guide, additions (taking into account any previous extensions) that represent an increase of more than 30% gross floor space for dwellings within the Green Belt are likely to be considered disproportionate.
8. The Council suggest that the proposal would result in a 64.5% increase in floorspace when considered against the original floorspace of the dwelling. The appellant contends that the proposal includes a void at first floor level and the increase in floorspace would be 42.6% and that there would be a 22% increase in volume. However, the void indicated on the submitted plans could not be reasonably enforced given planning permission would not be required to insert a floor at a later date. I consider the extension of the first floor would be a reasonable possibility in the future given the position of the void next to the proposed first floor landing area. In the circumstances it would therefore be more reasonable to apply the Council's floorspace calculation. However, in either case the increase in floorspace would well exceed the 30% figure in Policy H14.
9. On this basis, the proposal would result in disproportionate additions to the dwelling and the development would be inappropriate when considered against Policies H14 and DS18 of the LP and the requirements of the Framework.

The effect on the openness of the Green Belt

10. Paragraph 133 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development.
11. Stoneleigh Close is a cul-de-sac characterised by detached dwellings, ranging from bungalows to two-storey dwellings in a variety of styles. No 17 shares boundaries with No 16 Stoneleigh Close, a previously extended bungalow with accommodation in the roofspace, and No 18 Stoneleigh Close which is a dormer

bungalow. Further dwellings are situated on the opposite side of Stoneleigh Close and to the rear of the appeal site on Hall Close.

12. The development would add some additional height and volume to the building, however the utilisation of the existing footprint and the incorporation of the first-floor space within the raised roof space means there would be a modest spatial impact. The design of the proposal and the position of No 17 on Stoneleigh Close surrounded by other dwellings of various heights and styles, means that visually the development is unlikely to be highly discernible within the wider landscape. Overall there would be a modest effect on the openness of the Green Belt.

Other considerations

13. My attention has been drawn to several nearby properties with the suggestion that there has been a lack of consistency as to how the Council has assessed the impact of extensions to dwellings against Green Belt policy. Whilst, it has been pertinent in this particular case to note the scale of neighbouring properties and the overall developed character of the street in assessing the impact on openness, I must assess the proposal against the development plan now in place and the relevant paragraphs in the Framework. Any inconsistency in the Council's decision making is not a matter for me to determine in an appeal made under s78 of the Act and I therefore attach limited weight to this matter.
14. My attention has been drawn to a previously dismissed appeal¹ on the site, which proposed an increase in floorspace of 105.52% above that of the original dwelling. I am not aware from the information before me whether or not the Inspector for the previous appeal was made aware of Policy H14. The Inspector in that particular case reached their own conclusion on the basis of the information before them at that time, as must I in the case of the current appeal.
15. There is a notable level of third-party support for the proposal and the development would not result in material impacts on the living conditions of neighbouring occupants, the character and appearance of the street scene or ecological matters. However, third-party support is not an indicator of compliance with national or local Green Belt policy requirements. The acceptable aspects of the proposal are expected requirements for any such scheme whether within or outside the Green Belt. I can therefore only attract neutral weight to these matters.

Green Belt Balance and Conclusion

16. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. I have found that the design of the proposal and the site-specific circumstances of the development means the development would have a modest impact on the openness of the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to

¹ APP/T3725/D/17/3180647

overcome. I have found that the other considerations in favour of the proposal would only carry limited weight.

17. In conclusion and on balance, the substantial weight to be given to Green Belt harm, is not clearly outweighed by these other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
18. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR