



Appeal Decision

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

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/T3725/D/19/3229032

Green Acres, Church Lane, Lapworth, B94 5NX

- 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 Jayne Crabb against the decision of Warwick District Council.
 - The application Ref W/18/2375, dated 13 December 2018, was refused by notice dated 28 February 2019.
 - The development proposed is described as 'Erection of two-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.

Main Issues

3. The appeal property is located in the Green Belt and a conservation area 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 (Framework) and development plan policy; and
 - The effect of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the Lapworth Conservation Area, within which it is located.

Reasons

4. The appeal property is a large detached dwelling, perched on a plateau with views over its extensive grounds. The roof detail of the property on all sides is striking; comprising a combination of several carved decorated gables, hipped roofs and arts and craft style chimney stacks. The elevations of the property are a combination of mortar/timber and red brick. It is located in the Lapworth Conservation Area.
5. The proposal is for a two-storey extension, including the proposed addition of gable details and pitched roofs of varying scale and a single storey conservatory to the elevation fronting the rose garden/Church Lane boundary,

extending the rear elevation with the addition of three gables, and introducing shallow and deep pitched roofs which would be visible from the elevation facing the grounds.

Whether Inappropriate Development

6. Policy DS18 of the Warwick District Local Plan 2017 (Local Plan 2017) states that the Council will comply with national policy when determining proposals in the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Framework states that the construction of new buildings is inappropriate in the Green Belt, with limited exceptions. Paragraph 145 (c) of the Framework states that extensions or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, is not inappropriate development. Explanatory text of Policy H14 of the Local Plan 2017 states that whilst the Council would consider each case on its merits, an increase of more than 30% to the gross floor space of the original dwelling in the Green Belt would be disproportionate. 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.
8. It is understood that the original building dates from the 19th Century. The Council whilst contending that the appeal property has been extended extensively, has not provided evidence which establishes when the property was altered. It was observed on the site visit that the property had probably been extended considerably, but it would not be possible to suggest the likely date of these additions with any degree of certainty. The planning history referenced is limited to consent for outbuildings and works to the grounds. Maps showing the footprint of the appeal dwelling have been provided by both parties, the earliest dating from 1938. The maps are of varying scales and clarity and therefore it is not possible to draw any definitive conclusions from them.
9. With this caveat in mind, it appears that the footprint of the dwelling differs between that shown on the maps dated 1938 and 1967, that is, it is larger on the latter. However, I note that the footprint on the map dated 1961 – 1964 appears larger than that shown on the map dated 1967. Although there are clearly some unaccountable discrepancies, the footprint of the dwelling shown on these maps is reasonably consistent.
10. The appellant has provided a floor plan which roughly reflects the footprint shown on the various maps submitted, calculating that the proposed extension would result in less than a 30% increase in floorspace above the existing. This figure is disputed by the Council, but I have not been provided with evidence which backs this position. The Council does accept, in general, the overall existing and proposed floorspace calculations and in the absence of firm evidence on this matter, I must conclude, based on the information before me, that the proposal would not be a disproportionate addition to the original building and would not be inappropriate development in the Green Belt.

Effect on Character & Appearance

11. The height of the proposed extension would be lower than the existing roofline when viewed from the side and front elevations. However, it would not be subservient to the original building when viewed from the rear elevation. Whilst it would incorporate gables to the rose garden side and rear elevations, taking design cues from the original building, the proposed proportions and appearance would fail to blend with and complement the existing roof line, resulting in an unpleasing confusion of gable styles, sizes, and depth.
12. The proposed pitched roofs, although appearing subservient, would jar with the existing hipped roof and its grand chimney, on the rose garden side elevation. The blunt end of the proposed extension, when viewed from both side elevations, would not harmonise with the prevailing character of the dwelling. Furthermore, although it is noted that near public views of the property are limited, the dwelling has a prominent position when viewed from the public footpath at the southern boundary of the grounds, where distance views of the property are possible. The proposal would harm the pleasing design and proportions of the host property.
13. S72(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 Framework at paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset (which includes conservation areas), that great weight should be given to the asset's conservation.
14. The conservation area boundary is tightly drawn, with only the appeal dwelling wholly within it and much of its grounds excluded. The conservation area is of a modest size, characterised by large dwellings, set in large grounds. An extract from an appraisal of the conservation area, provided in the Design and Access Statement, assists in clarifying the contribution that the appeal property makes to the character of the designated heritage asset with the entrance to the appeal property and its 'leafy character' identified as defining the southern entrance of the conservation area up Church Lane.
15. I acknowledge that the proposal would not affect the leafy character of the conservation area. However, given my findings above, the contribution that the host property makes to the character and appearance of the area would be diminished as a result of the extension. Harm to the character and appearance of the area would therefore result. The proposal would not preserve the character or appearance of the conservation area, nor would it enhance these features.
16. Whilst the harm that would result to the conservation area would be less than substantial, the Framework makes it clear that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 of the Framework establishes that the harm that would be caused in this case should be weighed against the public benefits of the proposal.
17. In this regard I note the appellant's desire to increase the size of her property and achieve a larger kitchen and breakfast area with additional storage, dressing area and bathroom to the master bedroom at first floor. However,

these matters would be to the benefit of the appellant as opposed to public benefits.

18. Accordingly, I conclude that the benefits advanced in support of the proposal do not amount to public benefits which would outweigh the harm that would be caused to the significance of the conservation area as a heritage asset.
19. In light of the foregoing I conclude that the proposal would result in harm to the character and appearance of the host property and the Lapworth Conservation Area. The proposal therefore conflicts with Policy BE1 of the Local Plan 2017 and the Warwick District Design Guide 2018 which require new development to positively contribute to the character and quality of its environment through good design, amongst other matters, with new extensions relating to the design of the original building. The proposal also does not meet the statutory test.
20. The Council has referred to Policy HE2 of the Local Plan 2017 within its decision notice. However, as the proposal is not for the demolition of this unlisted dwelling, I find that this policy is not relevant to the case before me.

Conclusion and Recommendation

21. For the reasons given 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

22. 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