
Appeal Decisions

Site visit made on 25 November 2019

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 December 2019

Appeal A: APP/T3725/W/19/3235768

The Old Bakery, Hatton Green, Hatton, Warwickshire CV35 7EX

- 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 and Mrs B Nias against the decision of Warwick District Council.
 - The application Ref W/19/0333, dated 1 March 2019, was refused by notice dated 29 May 2019.
 - The development proposed is replacement extensions and alterations.
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Appeal B: APP/T3725/Y/19/3237180

The Old Bakery, Hatton Green, Hatton, Warwickshire CV35 7EX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs B Nias against the decision of Warwick District Council.
 - The application Ref W/19/0334/LB, dated 1 March 2019, was refused by notice dated 29 May 2019.
 - The works proposed are replacement extensions and alterations.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for replacement extensions and alterations at The Old Bakery, Hatton Green, Hatton, Warwickshire CV35 7EX in accordance with the terms of the application, Ref W/19/0333, dated 1 March 2019, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; NIA-001 021.
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The new window and door frames shall be painted in a colour to be previously agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.

Appeal B

2. The appeal is allowed and listed building consent is granted for replacement extensions and alterations at The Old Bakery, Hatton Green, Hatton, Warwickshire CV35 7EX in accordance with the terms of the application Ref W/19/0334/LB dated 1 March 2019 subject to the following conditions:
 1. The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 2. The works hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; NIA-001 021.
 3. No works shall commence until details / samples of the materials to be used in the works hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details / samples.

Main Issues

3. The main issues in these appeals are the effects of the proposal in relation to the significance of the listed building and the effects in relation to the Green Belt.

Reasons

Listed Building

4. The appeal property is a detached dwelling which was formerly the bakery associated with the adjacent and much grander Vicarage. The Vicarage and probably the appeal property originate from the 1750s. The Vicarage was once the residence of Dr Samuel Parr. This association along with its architectural qualities result in it being listed Grade II*. The Old Bakery was obviously functionally linked to the Vicarage and sits within its curtilage for the purposes of considering its listed status. The appeal building still contains the original Inglenook and remnants of the ovens.
5. However, the appeal property has been much altered. It is now in separate ownership and has been the subject of alterations and extensions, including a 2 storey extension, a conservatory, a glazed link and replacement of some windows with UPVC windows. Although some elements of the building still convey some interest, its contribution to the overall interest of the Vicarage has been reduced over the years due to the extent of the changes undertaken.
6. The proposal would bring about the removal of the existing conservatory and the glazed link. I consider that these features are negative aspects of the existing building and their removal is to be welcomed. The proposed 2 storey element which would include the new entrance would be located on the recent extension. It would not visually impinge on the older parts of the property and would be set well away from the Vicarage. The single storey extension would be set partly within a recessed element of this elevation. When considered as a replacement for the existing conservatory, I consider that its overall effects would be far more acceptable; it would be more in keeping with the property and visually subservient. It would involve the loss of a section of the existing wall but the appellant points out that this has been much altered and repaired and would not involve the loss of a significant amount of historic fabric.

Nothing submitted by the Council offers any evidence which contradicts this. The proposed dormers would be a modest addition to a roof which has already had its covering renewed.

7. Internally, the more historically important norther element would retain the layout and inglenook. Much of the remainder of the alterations would affect the newer elements or parts which have been previously altered. The brick fireplace in the kitchen is stated as being recent by the appellant. It appears so to me and, again, the Council do not offer any support for a contrary view. Some small sections of internal walls would be removed to accommodate the revised stairs and other openings but I consider these to be relatively minor revisions. The alterations to the outbuilding would bring about a separate bedroom and en-suite. It is stated that this building was in a derelict condition about 40 years ago and there would be no undue effect on historic fabric.
8. All of the above should be seen within the context of other improvements which would be brought about by the proposal which include the replacement of UPVc windows with timber ones and the provision of flooring which would be more in-keeping with the property. When seen overall, I consider that the proposal would preserve the contribution that the building makes to the significance of the listed building. Therefore, I find no conflict with Policy HE1 of the Warwick District Local Plan (LP).

Green Belt

9. The property sits within the Green Belt and extensions to residential properties are limited by Policy H14 of the LP. The Policy relates to the open countryside in general and includes the Green Belt. It states that residential extensions will be permitted unless they result in disproportionate additions to the original dwelling. This conforms with the National Planning Policy Framework which states that an exception to the consideration of a new building as inappropriate, includes 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 explanatory text of Policy H14 indicates that an increase of up to 30% may be acceptable in the Green Belt.
10. Figures submitted by the Council indicates that the floor area of the original dwelling was around 120 sqm and the existing extensions amount to around 123 sqm; an increase of about 102%. Taking account of the proposed demolition of certain elements of the existing structure and the addition of the proposed extensions, the floor area of the extensions beyond the original dwelling would be about 116 sqm, which represents an increase of 97%. Whilst this represents a reduction in what is present on site currently, when compared to the *original* dwelling, I consider that it represents a disproportionate addition.
11. In addition, the Council considers that the proposed extensions would have the further effect of harming openness due to the bulk and mass of the proposals. I consider that the removal of the conservatory and the construction of the proposed single storey extension would have a beneficial effect on openness due to the disposition of these elements. In relation to the 2 storey element, including the new entrance, this would be seen within the context of the 2 storey extension that currently exists and I consider it would have very little additional effect. As a result, I find no additional harmful effects resulting from the bulk and mass of the proposal.

12. It is necessary to consider whether other matters are present which should be balanced against the inappropriateness of the proposal in Green Belt terms. In my judgement, the fact that the current house would undergo an overall reduction in size is a significant matter. My conclusion is that the existing house, which is likely to remain in its current form, has a greater effect on the Green Belt than the proposal. Whilst I fully recognise that the appeal scheme represents a substantial increase when compared to the original dwelling it must be compared to the existing situation. With this in mind, I consider that the fact that the proposal would bring about a reduction of the size of the building within the Green Belt is sufficient to overcome the harm by reason of inappropriateness. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.
13. In relation to conditions, the Council has suggested that 3 would be necessary, relating to the commencement of the development or works, compliance with the approved drawings and that the window frames and door frames should be painted. I consider that a more comprehensive condition relating to materials is necessary as this is not satisfactorily covered by the drawings or elsewhere.

Conclusion

14. For the reasons set out above, the appeals are allowed.

S T Wood

INSPECTOR