
Appeal Decision

Site visit made on 6 January 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2020

Appeal Ref: APP/T3725/D/19/3242399

4 Appletree Cottages, Old Warwick Road, Rowington CV35 7BS

- 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 Ben Sandford against the decision of Warwick District Council.
 - The application Ref W/19/0848, dated 21 May 2019, was refused by notice dated 20 September 2019.
 - The development proposed is erection of first floor front extension over existing single storey extension, first floor side extension over existing single storey side extension, single storey side extension and a new low wall.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development has changed from that on the application form to that shown above which appears on the Decision Notice and has been adopted by the appellant on the Appeal Form. I note the appellant was informed that the description on the application form was inaccurate and necessitated re-consultation after the description had been changed, prior to determination.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development within the Green Belt.
 - (ii) If deemed inappropriate, the effect of the proposal on the openness of the Green Belt.
 - (iii) The effect of the proposal on character and appearance.
 - (iv) The implications of the proposal for protected species.
 - (v) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal property forms the end of a terrace of 4 cottages located on Old Warwick Road. Apart from 2 other nearby dwellings, one on either side of Old Warwick Road, Appletree Cottages lie within open countryside. No 4 has a significantly larger curtilage than the other 3 cottages including a double garage located some distance from the cottage.

Whether inappropriate development?

5. The Government's National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building. Policy H14 of the Warwick District Local Plan 2011-29 adopted September 2017 (LP) deals with extensions to dwellings in the open countryside. This indicates, as a guide, that extensions within the Green Belt which add 30% or more to the floorspace of the original dwelling, excluding detached buildings, are likely to be considered disproportionate.
6. The Council estimate the increase in floorspace over and above the original building, including a previously approved existing extension, to be about 166.6% which, at face value, is around 5 times that permitted by the local plan. The appellant has not disputed the Council's estimate of the increase in floorspace but has pointed out that the single storey extension is not excessive in size and could, were it not connected by a proposed lobby, constitute a permitted development but fails to explain why. I have given no weight to the latter point since the appellant accepts that the form of development proposed does require planning permission. This would still be the case if the single storey extension was not connected to the main part of the dwelling.
7. It follows, based on the above, that the appeal proposal would increase the floorspace of the original cottage by an amount considerably in excess of that enabled by the LP. As a consequence, the proposal would represent an inappropriate development within the Green Belt by virtue of the disproportionate scale of the extensions proposed. Accordingly, the proposal conflicts with Policies DS18 and H14 of the recently adopted LP. Policy DS18 seeks to apply national planning policy to proposals within the Green Belt. I am satisfied that the intent of this policy remains broadly consistent with the most recent iteration of the Framework

Openness

8. Openness is an essential characteristic of the Green Belt. I have concluded above that by virtue of its scale the appeal proposal is inappropriate and as a consequence the proposals will have an unacceptably harmful effect on the openness of the Green Belt. In addition, while the proposal would generally be well-screened it would, as I discovered on my site visit, be visible as part of longer-distance views including from Finwood Road.
9. Since the proposal would adversely affect the openness of the Green Belt it conflicts with Policy DS18 of the LP which seeks to apply national planning policy to proposals within the Green Belt.

Character and appearance

10. The essential characteristic of the appeal property is that it forms part of the terrace of 4 cottages. The addition of the 2 first floor extensions coupled with the proposed single storey extension to No 4 would transform that property to such a degree that it would not only appear as disproportionate in relation to the original dwelling but also undermine the integrity of the original terrace. In isolation and in the context of its large garden I can understand the desire to extend the property, but the nature of the proposals go beyond what is

reasonable in the immediate context and could not be seen a subservient to the original dwelling. The proposed width of No 4 after the extension would broadly match the combined width of Nos 1 to 3. The proposed design would dominate to an unacceptable degree. The Council have an up-to-date local plan and also an adopted Residential Design Guide (2018) adopted as Supplementary Planning Guidance (SPD). These documents give clear advice in respect of extending existing dwellings. The design of the appeal proposal has had insufficient regard to the parameters established by those documents.

11. Accordingly, I conclude that the appeal proposal, by virtue of its size and detailed design, would cause harm to the character and appearance of the terrace of 4 cottages and its immediate surroundings. As such the proposal conflicts with Policy BE1 and H14 of the LP and the Framework which together seek to encourage high quality of design. Policy BE1 provides advice on the approach to the extension of dwellings which is then explained in greater detail as part of the SPD.

Protected species

12. The Council's ecologist identified the need for an initial bat survey given the records of activity in the locality. The Council did not insist on this given their view on the inappropriateness of the development in relation to Green Belt. Nevertheless, it is recorded as a reason for refusal of the planning application.
13. Circular 06/2005 states that in circumstances where protected species may be affected it is necessary to establish the position before planning permission is granted otherwise all relevant planning considerations may not have been addressed. In the specific circumstances of this appeal, where this has not been requested by the Council, if I were minded to allow the appeal then the Circular would exceptionally enable this matter to be dealt with by way of a condition.

Very special circumstances?

14. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a loss of openness albeit at a relatively small scale. There are also significant concerns over the design of the proposals which, because of their scale, fail to respect the implications for the terrace of cottages and therefore have a harmful effect on the character and appearance. On the other hand, the appellant has stressed the small size of the existing cottage, including bedrooms below contemporary space standards, and that additional floorspace could be provided alternatively permitted development. However, these other considerations do not clearly outweigh the totality of harm which is the test that has to be met. Consequently, very special circumstances do not exist.

Other Matter

15. The appellant has drawn my attention to another appeal decision at the nearby Eastside Manor (APP/T3725/D/10/2140637). The full circumstances of that appeal have not been made available to me, but it would appear the circumstances of that case were significantly different. The Inspector effectively considered a link between an existing approved extension and the existing garage block. The scale of the substantive extension had previously been

approved by the Council and was found to fall within the 30% additional floorspace permissible by the Local Plan policy in-place at the time. In that appeal the Inspector will have made his decision on the merits of that case. I have determined this appeal on its merits.

Conclusion

16. For the reasons given above, I conclude the appeal should be dismissed.

David Carter

INSPECTOR