
Appeal Decision

Site visit made on 28 January 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2020

Appeal Ref: APP/J3720/D/19/3239887

Hollowfield, Middletown Lane, Studley B80 7PN

- 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 Mrs Hill against the decision of Stratford-On-Avon District Council.
 - The application Ref 19/02085/FUL, dated 26 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is Install of an oak framed car port and store room.
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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 main issues in this case are:
 - whether the proposed development 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 character and appearance of the surrounding area; and,
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether Inappropriate Development

4. The appeal site comprises a former bungalow converted to a two storey dwelling. It is located within the West Midlands Green Belt. Paragraph 145 of the Framework establishes that new buildings in the Green Belt are inappropriate. Exceptions to this include 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 defines 'original building' as meaning the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
5. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS) considers that the small-scale extension or alteration of a building is not inappropriate in the Green Belt. It stipulates that a new curtilage building should be within 5 metres of the dwelling and on this basis the Council regards the proposal as an extension to the dwelling. Given the proximity of the proposal to the dwelling and its wholly ancillary domestic function, I do not disagree with this approach.
6. According to the Council¹ the extensions to the original building combined with the appeal proposals would amount to a 121% increase in the volume of the original dwelling house. The Appellant questions whether all of the volume of the loft conversion should be included in the figures as the roof space already existed prior to the works being carried out. However, whilst I have been provided with no evidence to show how the Council carried out its calculation, neither has the Appellant provided any tangible information to challenge the Council's figure. The proposal would have a large footprint, and a height, when measured to the ridge, in excess of 4.5 metres. This would be reflected in a development of substantial bulk that would significantly add to the mass and scale of built form at the appeal site.
7. There is no definition of 'disproportionate' in either the Framework and Policy CS.10 does not define 'small-scale'. However, the supporting text to the policy explains that the extension should not cause material (i.e. significant) harm to the openness and character of the Green Belt. In addition, an assessment of impact should include other key factors, including the visual impact compared with that caused by the existing building on the site.
8. The Framework identifies that an essential characteristic of Green Belts is their openness. The proposed siting of the development in an area where a building does not currently exist would result in a reduction in openness of the GB. There would be some screening afforded by hedgerows along the adjacent lane, but the long-term retention of these cannot be guaranteed. In any event, there are open views of the appeal site across open countryside from the north and east. In this context and having regard to the height and scale of the building, there would be a significant loss of openness. Moreover, the siting of the proposal in front of the existing dwelling close to the road would result in a visually prominent development. Notwithstanding the hedgerow, the proposal

¹ Council's delegated officer report

would have a significantly greater visual impact on the openness and character of the Green Belt than the existing building.

9. In the above circumstances, I conclude that the proposal would not be a small-scale extension. In consolidation with the previous extensions to the dwelling and having regard to the loss of openness and its visual impact, the proposal would result in a disproportionate addition to the original building. It would therefore be inappropriate development, which by definition is harmful to the Green Belt.

Character and Appearance

10. The appeal site occupies a sensitive location within the Arden Special Landscape Area (SLA) and on the edge of a residential area adjoining open countryside which forms an open backdrop to the site to the north east. In this location of the settlement, dwellings are mostly set in generous plots set back from the road, and the appeal property follows this pattern. There are two domestic garages to the south west of the site that lie close to the road, but these are low height and visually subservient buildings that reflect the materials used in the host buildings. Accordingly, they have a modest visual impact and have little influence on the individual context of the appeal site and its setting.
11. The proposed building would be set back only a marginal distance from the road and in front of the dwelling. The Appellant has chosen this location to keep the loss of green space within the site to a minimum and because it would not require driveway alterations. Nonetheless, it would be a prominent location for a new building of the scale proposed. Part O of the Stratford-on-Avon District Council - Development Requirements SPD (July 2019) (SPD) advises that garages should be to the side and rear of dwellings and set behind the building line, in order to preserve the primacy of the dwelling as the most important feature of the plot. In this case, the generally linear predominance of dwellings along the road is a distinguishing characteristic of the housing pattern that together with the spacious frontages make a positive contribution to the rural setting and the SLA. As a result of its height, width and siting, the proposal would form a visually dominant feature within the streetscene. Moreover, whilst it would be constructed of natural materials with the oak ageing to a silver grey colour, timber is not a material that is characteristic of the locality. The proposal would therefore fail to respond to the appearance of the host dwelling and would not reflect the local vernacular of the area. This would exacerbate the visual prominence of the development, and consequently, it would cause harm to the character and appearance of the area.
12. In the light of the above the development would be contrary to Policies CS.5, CS.9 and CS.20 and Part O of the SPD which jointly seek to minimise the impact of new development on the landscape, by promoting high quality design taking into account the site location. It would also be contrary to Policy CS.12 which seeks to protect the high landscape quality of the SLA.

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 is clearly outweighed by other considerations. In this case, and from what I have seen and read, I am not aware of any other matters that fall to be considered in this balance.
14. I conclude that the proposed development would represent inappropriate development, which is, by definition, harmful to the Green Belt. Additionally, I have found that there would be harm to the character and appearance of the area. There are no other considerations raised that would outweigh the harm identified to the Green Belt, and the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with paragraph 145 of the Framework and Policy CS.10.

Recommendation

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

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

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

P J Davies

INSPECTOR