
Appeal Decision

Site visit made on 22 July 2020

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 15th September 2020

Appeal Ref: APP/T3725/D/20/3253381

Peartree Cottage, Stoneleigh Road, Blackdown, Leamington Spa CV32 6QR

- 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 Summers against the decision of Warwick District Council.
 - The application Ref W/20/0243, dated 12 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is raising of the eaves of the existing dwelling to achieve a more usable area at first floor (not additional floor space), replace roof with a shallower pitch standing seam roof, ridge height not to exceed existing maximum height. External facade cladding with natural slate and vertical timber to ensure a contemporary appearance.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - whether the proposal is inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework ('the Framework');
 - the effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and,
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

3. Peartree Cottage is located within the Green Belt. The National Planning Policy Framework ('the Framework') is an important material consideration. Paragraph 145 of the Framework supports extensions to buildings in the Green Belt so long as they are not disproportionate additions over and above the size of the original building.
4. Policy H14 of the Warwick District Local Plan (Local Plan) states that extensions to dwellings within the open countryside will be permitted unless they result in

disproportionate additions to the original dwelling that, amongst other matters, adversely affect its character, scale and the openness of the area. In deciding whether a proposed extension is disproportionate the supporting text explains that each case will be assessed on its merits, although as a guide it explains additions (taking into account any previous extensions) that increase the gross floorspace of the original dwelling by more than 30% in the Green Belt are likely to be considered to be disproportionate.

5. Peartree Cottage is a substantial detached chalet bungalow with an attached twin garage and a gross floorspace of 243 square metres (sqm). The position of the Council is that the dwelling that currently stands on the site is a result of extensions that have increased the gross floorspace of the original dwelling by more than 30%.
6. In order to better understand the scale of increase of the building I requested further details regarding drawings of the original dwelling, as defined by policy H14, and its gross floorspace. Based upon a 1938 plan the Council calculated a gross floorspace of 140 sqm. This would mean that since then the floorspace of the dwelling has increased by almost 74%.
7. The appellant questions this calculation. However, no contrary evidence has been provided by the appellant to support these concerns. The granting of permission for four extensions to the property since 1974, including the creation of bedrooms in the roofspace and a two storey side extension, indicates that most, if not all, of the increase in size of the dwelling has occurred in recent decades. This is supported by the 1938 plan which shows the dwelling set far further back from its northern boundary than is the case today. On the basis of the evidence that has been made available to me, I therefore find that on the balance of probabilities the gross floorspace of the dwelling has increased in the region of the amount identified by the Council.
8. By virtue of the removal of the front porch and ground floor bay the proposed development would result in a small 7sqm reduction in the gross floorspace of the dwelling. This consideration alone though fails to adequately assess the impact of the proposed addition. By increasing the height of the dwelling's eaves by over 2 metres to create a full height second storey the scheme would result in a marked increase in the scale and mass of the existing dwelling. I therefore find that the conversion of the dwelling from a chalet bungalow to a two storey house would further significantly increase the size of the dwelling.
9. Taking all these matters into account, I therefore conclude that the proposed extension would be a disproportionate addition over and above the size of the original dwelling, contrary to paragraph 145 of the Framework. It would also be a disproportionate addition in terms of policy H14 of the Local Plan. The proposal would therefore constitute inappropriate development. Such development would, by definition, be harmful to the Green Belt as described in paragraph 143 of the Framework.

Openness

10. Paragraph 133 of the Framework advises that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It also advises that the essential characteristic of Green Belts is their openness and their permanence.

11. The proposed extension would markedly increase the scale and bulk of the dwelling along a road that is characterised on its south eastern side by development that is typically set further back from the road. The overall effect would be of a significantly larger, more intrusive building that would materially reduce openness. The increase in scale of the property and adverse effect on openness would be readily apparent from the private access serving the appeal property, Peartree Cottage Annexe and Liberty House. This increase in scale would also be apparent through the upper, less dense, section of the overgrown front boundary hedge in public views from the footway on the opposite side of Stoneleigh Road. The proposal would therefore also result in notable harm to openness. This would be contrary to Policy H14 of the Local Plan by virtue of it failing to comply with criterion b.

Character and appearance

12. Peartree Cottage is located towards the northern end of an assortment of large detached properties on Stoneleigh Road set within a wider landscape of arable hedged fields. It is a one and a half storey gable fronted dwelling that is set back from the road behind an overgrown roadside hedge and faces an open field on the opposite side of the road. The timbered gables and clay tiled roof to the newer sections of the dwelling continue the mature residential appearance of what appears to be the oldest part of the building which has thick stone headers to windows and a bay window.
13. The Framework supports good design and given the variety of architectural styles along the road the contemporary architectural style of the design proposed would in itself not be harmful to the character and appearance of the area. However, the proposal is an extension to an existing dwelling in the open countryside and it would remove any remaining semblance of the original dwelling. Together with earlier extensions the proposed extension in converting the bungalow to a two storey house would also significantly alter the scale, design and character of the original building to the extent that it is no longer visually dominant. As a result, the proposal would be contrary to criteria a and c of policy H14 of the Local Plan.
14. The resulting significant adverse effect caused to the character and appearance of the property would be self-evident in views from the private access serving the appeal property, Peartree Cottage Annexe and Liberty House. It would also be visible in brief public views from the road described above.
15. For all of these reasons, I therefore conclude that the proposed development would cause demonstrable harm to the character and appearance of the original dwelling contrary to policy H14 of the Local Plan.
16. In terms of the area, I find though that the contemporary style of the proposal would be in keeping with the varied architectural styles of the locality. As a result, in this regard the character and appearance of the area would not be harmed and it would comply with policy BE1 of the Local Plan. This policy, amongst other matters, requires the protection of the character and appearance of an area with design that respects its character.

Other matters

17. Bats are a protected species and the dwelling is in a location where bats are present. As a result, the roof of the building could be providing

harbourage. One of the Council's reasons for refusing planning permission related to the absence of a survey to establish whether bats were present and whether steps were necessary to protect them should permission be granted. At appeal stage a bat survey was submitted. On the basis of its findings, I am satisfied that bats are not present. This reason for refusal has therefore been addressed.

Other considerations

18. I have found that the proposal would be inappropriate development in the Green Belt and thus should not be approved except in very special circumstances. It is therefore necessary to consider the other considerations put forward by the appellants in favour of the appeal, to determine whether there are any material considerations which would amount to very special circumstances that would outweigh the harm by reason of inappropriateness, and the harm that I have identified to openness.

Permitted development rights

19. Under permitted development rights the changes to window openings, fenestration, wall colour and roof finish proposed as part of the scheme could take place. However, whilst such changes may still occur if the appeal is dismissed, given that the scale of the dwelling would not increase, it would not constitute inappropriate development or harm openness. As a result, I attach little weight to this fallback position in favour of the development.

Residential amenity and ecology

20. The proposed development would not cause harm to residential amenity or ecology and so would comply with policies BE3 and NE3 of the Local Plan in this regard. However, the absence of harm is matter of neutral rather than positive weight in favour of the scheme.

Local economy

21. The remodelling of the dwelling would result in the employment of local trades people and so would contribute to the local economy. As this contribution though would be short-lived I attach limited weight to this benefit of the scheme.

Personal circumstances

22. The appellants are longstanding occupiers who wish to continue to live in the locality and be involved with the local community. The proposed remodelling of the existing dwelling would meet their housing needs and so would enable them to do so. Whilst I have given the appellants' personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is also likely that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore attach little weight to this consideration in favour of the appeal.

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

Conclusions

23. The proposal represents inappropriate development, which by definition, would be harmful to the Green Belt. I have also found that it would cause material harm to openness and that it would be contrary to policy H14 the development plan. Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Clearly, therefore the degree of harm caused would be significant and I attach substantial weight to the totality of harm caused.
24. I find that the other considerations put forward by the appellant fall well short of clearly outweighing the harm identified and thus the very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to section 13 of the Framework and I find that the proposed development would be contrary to the development plan and Framework considered as a whole. The proposal would therefore not constitute a sustainable development and so should be dismissed.

Ian Radcliffe

Inspector