



Appeal Decision

Site visit made on 1 September 2020 by S Watson BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 5 October 2020

Appeal Ref: APP/E3715/D/20/3253570

5 Fog Cottages, Smeaton Lane, Stretton under Fosse, Rugby CV23 0PS

- 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 D Godfrey against the decision of Rugby Borough Council.
 - The application Ref R20/0170, dated 3 March 2020, was refused by notice dated 27 April 2020.
 - The development proposed is a single storey rear 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 site is located within the West Midlands Green Belt. Accordingly, the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt; and,
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so whether this would amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether inappropriate development

4. Paragraph 143 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and 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.

5. Subject to a number of exceptions, as listed in Paragraph 145, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions 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'.
6. The host dwelling is a T-shaped two-storey property set within a large and spacious garden off the south side of Smeaton Lane. Surrounding the property are a number of other buildings and at the rear of the garden is a railway line. From the information before me I understand the original building to have been the two-storey central core, with the single storey side and rear extensions being later additions. The proposal would infill the space between the side extension on the east of the property and the rear extension. It would project beyond the side extension and run along the site boundary.
7. In their report the Council have referred to their best practice guidance for development in the Green Belt. No such guidance has been provided with the appeal, and the policies and guidance before me do not set a limit of 30% for any additions over and above the original building. Nevertheless, this does not prevent me from undertaking an assessment of the proposal against the requirements of the local development plan and the Framework.
8. I acknowledge that the proposed extension is small, relative to the existing building. However, both national and local planning policy make it clear that, in terms of extensions or alterations to buildings in the Green Belt, the benchmark is the original building, not the existing.
9. In this regard it is clear from the evidence before me that the side and rear extensions were constructed after 1 July 1948¹. These extensions have significantly increased the size of the original building and I find that the proposed extension would cumulatively result in extensions and alterations which would be disproportionate additions over and above the size of the original building. The proposed and existing extensions would result in the original building being engulfed by extensions. As such I find that the proposed extension would be inappropriate development within the Green Belt, contrary to Paragraph 145(c) of the Framework and Policy GP2 of the Rugby Borough Council Local Plan (RBCLP) which seek to restrict new development within the Green Belt, and would therefore represent inappropriate development within the Green Belt.

Openness

10. Paragraph 133 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. The proposed extension would be screened from views by the host dwelling and side boundary. Nevertheless, it would, by way of being a built structure over an otherwise open area, affect the openness of the Green Belt.

¹ Taken from definition of 'original building' within the Glossary to the National Planning Policy Framework

11. In this instance the effect of the cumulative increased size of the host dwelling would clearly be experienced both visually and spatially and the openness of the Green Belt would be reduced as a result. Although this reduction would be limited and localised relative to the Green Belt as a whole it would nevertheless result in harm to the Green Belt.

Other considerations

12. The appellant has raised that the Council did not object to the design of the extension or its impact on the living condition of neighbouring occupiers. While this may be the case, I find the lack of harm to be a neutral factor, rather than a benefit of the scheme.

Green Belt conclusion

13. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. There are no considerations in support of the proposal which would clearly outweigh the harm to the Green Belt as identified above. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with the Green Belt aims of Policy GP2 of the RBCLP and the Framework.

Recommendation

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

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR