
Appeal Decision

Site visit made on 11 September 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2020

Appeal Ref: APP/Y3425/D/20/3254611

Treetops, Cocknage Road, Rough Close, Stoke-on-Trent ST3 4AB

- 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 S Phillimore against the decision of Stafford Borough Council.
 - The application Ref 20/31858/HOU, dated 29 January 2020, was refused by notice dated 2 April 2020.
 - The development proposed is demolition of the existing garage, erection of two storey side extensions and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing garage, erection of two storey side extensions and associated development at Treetops, Cocknage Road, Rough Close, Stoke-on-Trent ST3 4AB, in accordance with application Ref 20/31858/HOU, dated 29 January 2020, and 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: 4616-04-03B (location and block plan); 4616-04-01-01*-WIP (existing survey); and 4616-04-02B (proposed extension and alterations).
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing dwelling.

Application for costs

2. An application for costs was made by Mr S Phillimore against Stafford Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The site is within the North Staffordshire Green Belt, so the main issues are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework); and any relevant development plan policies, including the effect on openness; and
 - The effect of the proposal on the character and appearance of the area.
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Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. Treetops is a recently constructed, detached house, set within large grounds in a wooded, countryside location.
5. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development. It goes on to list certain forms of development which are exceptions and are not regarded as being inappropriate. These exemptions include the extension or alteration of a building, provided that this does not result in disproportionate additions over and above the original building.
6. The test of whether a proposed extension would be a disproportionate addition requires comparison of the size of the extended property with that of the original buildings, usually in terms of volume or floorspace.
7. The Framework provides no information as to what constitutes a 'disproportionate addition', but local guidance is provided in Policy C5 of The Plan for Stafford Borough 2014 (Local Plan), which relates to residential proposals in areas outside the settlements. Part C of the policy allows for the extension or alteration of an existing building where it does not result in additions of more than 70% of the dwelling as originally built, unless the extension would be proportionate to the type and character of the dwelling and the surrounding area. It is clear from explanatory text in paragraph 11.17 that the policy covers areas within the Green Belt, and there is nothing in the policy or explanatory text to suggest that any different or lower figure should be applied within such areas. The policy was adopted since the Framework was published, and can be seen as providing local interpretation of national planning policy.
8. Treetops is a replacement dwelling, but no detailed information has been provided about how this property relates in size to what was there before. For the purposes of this appeal I have therefore treated the existing dwelling as it has been constructed as being the original building. According to the appellant's calculations, the proposal would result in an increase in floorspace of some 65% over and above the existing building as constructed. Although they would represent a significant enlargement, the proposed extensions would not exceed the scale of addition which Policy C5 allows for.
9. As such, in terms of this purely statistical analysis, the proposal would not represent a disproportionate addition, and so would fall within the exception listed in paragraph 145c) of the Framework. There would be no conflict with Policy C5.

Openness

10. The impact on the openness of the Green Belt is implicitly taken into account in the exception in Framework paragraph 145c), which requires no further assessment of the effect of a proposal on openness. The proposal would not be inappropriate development in terms of paragraph 145c), so by definition, it would not have an adverse impact on the openness of the Green Belt. Similarly, the proposal would not cause harm to the purposes of including land within the Green Belt.

11. I note that permitted development rights have been removed from the replacement dwelling to prevent uncontrolled extensions, in the interests of protecting the openness of the Green Belt. However, the proposed development does not constitute inappropriate development in terms of paragraph 145c), and so does not harm openness.

Character and appearance

12. Treetops occupies an elevated position, and is visible from Cocknage Road in silhouette. However, the steep topography of the site and the considerable distance from the road to the house, limit the extent to which it can be seen from below. Mature trees and vegetation around the site boundaries also provide significant screening.
13. The proposed extensions would increase the bulk of the building, but the house would still sit comfortably within its setting, and the visual impact of the proposal within the wider area would be limited.
14. The proposed side extensions would be set back from the frontage with lower eaves and ridge heights. The dominance of the original house would be retained, and the proposal would comply with guidance in the Supplementary Planning Document on Design, which requires that extensions remain subordinate to the host dwelling.
15. I conclude that the proposal would not cause harm to the character and appearance of the area. The proposal would be consistent with Local Plan Policy N1, which requires that designs have regard to the local context and should preserve and enhance the character of the area; and with Policy N8, which requires development to reinforce and respect the landscape setting. The provisions of Policy C5 relating to character do not apply in this case, as the proposed addition would not exceed 70%.
16. Strategic Principle 1 of the Local Plan sets out the presumption in favour of sustainable development. The proposal accords with policies in the Local Plan, and there are no material considerations which indicate that it should not be approved.

Conclusion

17. For the reasons given, I conclude that the appeal be allowed subject to the conditions listed, which are necessary in the interests of certainty and to safeguard the character and appearance of the area.

R Morgan

INSPECTOR