



Appeal Decision

Site Visit made on 7 December 2020

by Rachel Walmsley MSc, MA, BSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/J3720/D/20/3261015
Windermere, Park Lane, Snitterfield, CV37 0LT

- 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 Susan Neilson against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/01835/FUL, dated 3 July 2020, was refused by notice dated 6 October 2020.
 - The development proposed is extension above existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for extension above existing garage at Windermere, Park Lane, Snitterfield, CV37 0LT in accordance with the terms of the application, Ref 20/01835/FUL, dated 3 July 2020, subject to the following conditions:
 - i) the development hereby permitted shall begin not later than 3 years from the date of this decision;
 - ii) the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, and;
 - iii) the development hereby permitted shall be carried out in accordance with plan 'Proposed Plans and Elevations' 5018 BR-02 Rev A.

Main Issue

2. Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies.

Reasons

3. National policy on development in the Green Belt is set out in the Framework, which advises that the essential characteristics of Green Belts are their openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist. Most new development should be regarded as inappropriate, but for certain defined exceptions.
4. Paragraph 145 of the Framework lists exceptions to inappropriate development within the Green Belt and in doing so states that any extension or alteration of

a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of 'disproportionate additions' within the Framework. Annex 2 of the Framework defines an "original building" as a building as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally.

5. The Council's approach to extensions to dwellings within the Green Belt is set out in policies CS.10 of the Core Strategy (2016) and BE3 of the Neighbourhood Development Plan (2018). Notwithstanding the figures referenced in the design and access statement, parties agree that the development would increase the original building by 15.5%. When looking at the proportions on plan, this amounts to a realistic figure. As such, the development would not exceed the 30% in policy BE3 of the Neighbourhood Development Plan.
6. Application 12/01514/FUL granted permission to extend the property. This permission has not been implemented and has lapsed. Therefore, there are no additions to the original building that must be taken into account when assessing whether the development would result in a disproportionate addition.
7. When assessing whether an extension may be disproportionate, the Framework, along with policy CS.10 of the Core Strategy refers to size, which, as well as volume, involves looking at increases in floorspace and external dimensions. Here, given the limited sideways projection, the substantial set-back of the front elevation and the lower ridge height, the development would not be a disproportionate extension to the original building. As such, the proposal would not be inappropriate development in the Green Belt and would not be contrary to policy CS.10 or the Framework.
8. Unless there is a specific requirement to consider the actual effect on openness, the impact on openness is implicitly taken into account in the exceptions contained within the Framework. The exception contained within the third bullet point of Framework paragraph 145 does not say that an assessment of the effect of a proposal on openness is a determinative factor in assessing whether a scheme would fall to be considered as inappropriate development. Accordingly, here there is no requirement to assess the impact of the extension on the openness of the Green Belt. Similarly, given my conclusion that the proposed extension would not constitute inappropriate development, it is unnecessary for me to consider whether very special circumstances exist to justify the development.

Conditions

9. In the interests of the appearance of the area and certainty, conditions relating to the use of matching materials and the specification of the relevant drawings have been imposed. Overlooking from the dressing room window would not be harmful to the living conditions of neighbouring occupiers and so I have not added a condition requiring obscure glazing.

Conclusion

10. The proposal would not be a disproportionate extension to the original dwelling and as such would not be inappropriate development in the Green Belt. Accordingly, the proposal would not conflict with the objectives of the

Framework or the development plan. For these reasons and having considered all other matters, I conclude that the appeal is allowed.

R Walmsley

INSPECTOR