



Appeal Decision

Site visit made on 19 January 2021 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2021

Appeal Ref: APP/T3725/D/20/3260588

Terets Lodge, Rising Lane, Lapworth B94 6JA

- 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 Martin Trenchard against the decision of Warwick District Council.
 - The application Ref: W/20/1091, dated 16 July 2020, was refused by notice dated 22 September 2020.
 - The development proposed is erection of rear extension (additional 6 sq.m to existing summer house).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of rear extension (additional 6sq.m to existing summer house) at Terets Lodge, Rising Lane, Lapworth B94 6JA in accordance with the terms of the application Ref: W/20/1091, dated 16 July 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: Site Plan DWG No. A102A; Floor Plans DWG No. A100K and Elevations DWG No. A101G.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building.

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 Issue

3. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan documents and, if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the proposal.

Reasons for the Recommendation

4. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the construction of new buildings should be regarded as inappropriate in the Green Belt. 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 dwelling (paragraph 145 (c)). The term 'original building' is defined in the Framework, as well as the explanatory text for Policy H14 of the Warwick District Local Plan 2011 – 2029 (adopted 2017) (LP), as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
5. Terets Lodge is a dormer bungalow located in the open countryside and the site and the surrounding area is washed over by the Green Belt. The dwelling is set behind a shallow front garden and the house is clearly visible from the roadside. The building is split into two main sections. On the western side of the dwelling is the original building which has been sympathetically extended. To the east of the building is a smaller extension that has a glazed roof which connects the main section of the house with the summer house.
6. The proposed extension would be located to the rear of the summer house and would bring the building in line with the rear wall of the glazed connecting building. The extension would not extend the width of the building, although the proposal would increase the height of the building to around the same height as the host dwelling. The increase in floor space would be around 6 square metres (sq.m).
7. It is not disputed that the gross floor area of the original house has been extended by 37% above the original floor level and I see no reason to disagree with this figure. The explanatory text for Policy H14 of the LP notes that each case will be considered on its merits but that in the Green Belt, extensions which represent an increase of 30% gross floor space, or more are likely to be considered disproportionate. This is somewhat more prescriptive than paragraph 145 (c) of the Framework but the explanatory text is broadly in line with the Framework. However, whilst the supporting text is relevant to the interpretation of a policy it does not amount to policy of itself. Having regard to the way the policy is constructed it is clear that the 30% figure is not an absolute limit set down in policy but a guideline and I have considered the proposal in that context.
8. Policy H14 has three criteria which extensions in the open countryside are to be assessed against. Having regard to those criteria, it may be that an extension of more than 30% may not be disproportionate in some circumstances and, conversely, there may be instances where an extension of less than that figure may appear disproportionate, depending on the specific circumstances. In this case, the scale of the extension would be very small in comparison to the host dwelling and the appearance of the extension would be similar to the summer house, which itself is a modest and well-designed extension. As such, it would reflect the character of the original dwelling which would remain the visually dominant element. Whilst the roof of the summer house would be slightly taller, it would be no taller than the host dwelling and the small increase in height would not substantively erode the openness of the area. Furthermore, due to its character and appearance this part of the site, to the rear of the summerhouse, clearly forms part of the existing developed residential area and

would not encroach into the surrounding countryside. Overall, the modest proposal would not substantially alter the scale, design and character of the original dwelling when considered alongside the previous extensions. Consequently, the proposal would accord with all three criteria of Policy H14.

9. Assessing the proportionality of an extension based purely on a mathematical calculation would be a limited exercise. Whilst the proposal would add to the cumulative impact of previous extensions, the increase in the size of the original dwelling would be very modest and the combined cumulative increase would not be disproportionate in this instance having regard to the scale, design and location of the proposal.
10. Therefore, the proposed development would not be inappropriate development in the Green Belt. As such, the proposal would be in accordance with Policy H14 as well as Policy DS18 of the LP which states that the Council will apply national Green Belt planning policy to proposals in the Green Belt. The proposal would also comply with paragraph 145 (c) of the Framework.
11. Given that the proposal would not amount to inappropriate development, and in the absence of any other alleged harm, it is not necessary for me to consider the suggested fall-back position put forward by the appellant because there is no need to demonstrate very special circumstances in order for the proposal to be considered acceptable.

Conditions

12. Further to the statutory commencement condition, in the interest of the character and appearance of the area it is also necessary to ensure that the development is completed in accordance with the approved plans and the materials to match those on the existing dwelling.

Conclusion and Recommendation

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

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR