



Appeal Decision

Site Visit made on 16 February 2021 by Gareth Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/J3720/D/20/3263215

Haydens, Middletown Lane, Sambourne, Warwickshire B96 6NX

- 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 Mark Bailey against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/01968/FUL, dated 20 July 2020, was refused by notice dated 15 September 2020.
 - The development proposed is resubmission of detached garage application 19/01361/FUL.
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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 Issue

3. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; and
 - ii. Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate development

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 building (paragraph 145 (c)). Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS) (adopted 2016) is similar to paragraph 145 (c) albeit the terminology in the CS

refers to 'small-scale' extension or alteration of a building. The term 'original building' is defined in the Framework, as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.

5. What constitutes a disproportionate extension is not defined in national or local planning policy. Reference has been made to previous local policy which set a 30% limit in terms of additional volume. However, that policy no longer applies, and it is necessary to make a judgement in any given case depending on the specific circumstances.
6. The proposed garage would be located within 5 metres from the flank elevation of the dwelling and as a result it would be considered a normal domestic adjunct and it is reasonable to assess the proposal under the same requirements as an extension to the dwelling.
7. The original dwelling has already been extended and it is not contested by either party that the extension has increased volume of the dwelling by roughly 30%. The previous extension replaced the single storey garage located to the side of the dwelling and converted the bungalow into one and a half storey dormer bungalow. Those roof alterations are visible from the street and the previous increases have resulted in a visually more imposing property. It is not contested that the proposed garage, combined with the already built extension, would increase the volume of the original dwelling by around 60% and I see no reason to disagree with this figure.
8. The garage would be around two thirds of the height and a third of the width of the host dwelling and would have a steep pitched roof that would match the host dwelling. Because it would be located close to the dwelling's flank wall and would be similar in scale, it would increase the near continuous built frontage of the dwelling by a considerable amount. The scale and siting of the proposed garage would, combined with the similarly sized extension on the other side of the dwelling, double the width of the original building. When combined with the volumetric increase, which would be significantly over half the size of the original property, the visual impact and scale of the cumulative extensions would be significant. This would result in a disproportionate addition to the original building and the combined extensions would not be a small-scale extension to the dwelling. Accordingly, the proposal would not comply with paragraph 145 (c) of the Framework or Policy CS.10 (b) of the CS.
9. Paragraph 146 (g) permits limited infilling or the partial or complete redevelopment of previously developed land provided it would not have a greater impact on the openness of the Green Belt than the existing development. Policy CS.10 (c) also has a similar requirement. The site is garden land outside of the built-up area and as a result would be previously developed land.
10. The approved garage has yet to be constructed and as a result the proposal would introduce new built form into the Green Belt which would cause moderate harm to the spatial aspect of the openness Green Belt. The site is bound by mature trees and hedgerows across the eastern and southern boundary along the roadside. The shared vehicular access with the neighbouring dwelling is open and unobstructed and the neighbouring dwelling has low level vegetation along the front boundary and subsequently there would be limited views of the proposed garage from the roadside. However, as noted, the structure would be viewed alongside the existing property from

those vantage points and would clearly add to the scale of the property and develop space that is currently free from any buildings. Consequently, the proposal would cause moderate harm to the visual openness of the Green Belt and overall, it would have a greater impact on the openness of the Green Belt than the existing development. Consequently, the proposal would not accord with paragraph 146 (g) of the Framework or Policy CS.10 (c) of the CS.

11. Therefore, the proposed development would be inappropriate development in the Green Belt. Paragraph 144 of the Framework indicates that substantial weight should be given to any harm to the Green Belt.

Other considerations

12. A Certificate of Lawful Development was granted in 2018 by the Council for the erection of a single storey garage in approximately the same location as the proposed garage. The permitted development (PD) garage was around the same size as the proposed garage but with a shallow pitched roof. Given that work has already started on foundations for the garage, there is clearly a greater than theoretical possibility that the development might take place.
13. The proposed garage would have a significantly taller pitched roof than the PD garage and, as a result, it would be materially larger and would consequently have a greater harmful effect upon the openness of the Green Belt. The taller pitched roof would more closely match the appearance of the host dwelling but it is not unusual for domestic outbuildings to have differing roof pitches from the main dwelling and the PD garage would not be harmful to the character of the area, nor is there anything to suggest that the shallow pitch would be difficult to maintain. Accordingly, the marginally improved appearance of the garage and reduced maintenance costs associated with the pitched roof can only be afforded limited weight.
14. The appellant notes that there is a need to provide a garage for security purposes, as well as to provide an electrical vehicle charging point and to allow storage of residential paraphernalia. These are matters that weigh in favour of the development, albeit these benefits can be provided by the PD garage, once built. As such, I give very limited weight to these considerations.
15. The possibility of providing low carbon technologies utilising the pitched roof of the garage is given no weight because the proposal does not include these technologies.
16. The appellant has referred to a number of houses within the Green Belt that have been granted planning permission to be extended. However, a multitude of factors may be relevant in any given case, such as the scale of the proposal, its prominence, the impact on the openness of the Green Belt, the extent of previous extensions and the existence of any realistic fall-back scenarios. On the information presented I cannot be satisfied that the circumstances of those cases is comparable to the current proposal. Whilst the Council was seemingly satisfied that a 77% increase was not disproportionate in one instance it does not follow that a similar increase would be justified in all instances. Each case must be assessed on their own merits and I remain of the view that the current proposal would represent a disproportionate addition, for the reasons given above, notwithstanding the presence of the examples referred to.

Conclusion and Recommendation

17. The proposal would be a disproportionate addition to the host dwelling and whilst the proposal would use previously developed land, it would have a greater impact on the openness of the Green Belt than the existing development. Therefore, the proposal would be inappropriate development in the Green Belt, which, by definition, would cause harm to the Green Belt. In accordance with paragraph 144 of the Framework I am required to give substantial weight to any harm to the Green Belt. For the reasons set out I attach limited weight to the other considerations advanced in favour of the proposal and I find that those do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

18. 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 dismissed.

Chris Preston

INSPECTOR