



Appeal Decision

Site visit made on 24 May 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal Ref: APP/J3720/D/21/3271646
57 Green Lane, Studley B80 7HD

- 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 Taylor and Ms Smith against the decision of the Stratford-on-Avon District Council.
 - The application Ref 20/03115/FUL, dated 28 October 2020, was refused by notice dated 8 February 2021.
 - The development is proposed new two-storey rear extension with internal & external alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal would constitute inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area;
 - iv) the effect of the proposal on nearby trees; and
 - v) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

3. The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
4. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception

- to this is 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.
5. The term 'disproportionate' is not defined within the Framework and no definition is provided within the Stratford-on-Avon District Core Strategy (2011 to 2031) (CS). Policy CS.10 of the CS refers to small-scale extensions but does not make reference to the original building. In this respect therefore, the policy is not entirely consistent with the Framework, however, in my view, the wording seeks a similar objective. The common understanding of the term 'disproportionate' is something that is either too large or too small in comparison with something else, with the comparison in this appeal being with the original building. Based on the evidence before me, the existing building benefits from a two storey extension to the front of the property, as well as a single storey extension that has been added to the rear.
 6. The evidence is not categoric in relation to the overall size of the previous extensions. The Council state that the volume of the existing building is approximately 55% larger than the original, which would increase to approximately 110% as a result of the proposal. This is not common ground between the parties, and instead of volume, the appellant provides figures in relation to the overall length of the property, with a caveat in relation to the accuracy of specific dimensions. Despite this, the appellant concedes that when combined with the proposed extensions, they are unlikely to be considered small-scale.
 7. The proposed extension would be a generous two storey addition. It would be situated to the opposite end of the dwelling to the existing two storey extension. As a consequence, the original building would be sandwiched between two large extensions. This would represent a substantial increase to both the volume and footprint of the original building. Accordingly, it is apparent that when assessed against the size of the original building, the proposal would certainly not be small-scale. Instead, the evolution of the built form would drastically increase the size of the structure, in a manner that would be disproportionate to the original building.
 8. Consequently, I conclude that the proposal would represent inappropriate development within the Green Belt. It would therefore fail to accord with the Green Belt protection aims within the Framework, as well as Policy CS.10 of the CS.

Openness

9. The existing dwelling is situated towards the western boundary of a generous parcel of land. To the east of the dwelling, there is a large outbuilding, but the site is otherwise open with generous space between the appeal building and its immediate neighbours.
10. The proposed extension would be located to the rear of the building when viewed from the road. Although it would be visible from within the public realm, the extension would clearly relate to the existing dwelling and it would be well contained on the site. As a consequence, the proposal would not have a significant effect in terms of eroding the spacious nature of the site and the space about the building would be primarily retained. Despite this however, the extension would increase the mass of the building and accordingly, the visual

and spatial openness of the site would be reduced, albeit to a very limited extent. Accordingly, I conclude that the level of harm to the openness of the Green Belt would be very limited.

Character and appearance

11. The appeal site is located within the Arden Special Landscape Area (SLA) whereby Policy CS.12 of the CS seeks to resist development which would have a harmful effect on the distinctive character and appearance of the SLA. In addition, the Council expects proposals to reflect vernacular style, scale, pattern, and materials.
12. The proposal would introduce a two storey extension to the rear of the property when viewed from the road. It would be marginally set back from the wider façade which faces the amenity space, and this design detail would be replicated to the rear. The proposed ridge height of the extension would also be marginally lower than the existing building. Although these design details would not be generous, they would have the effect of distinguishing the extension from the existing structure. The proposed facing materials would also match those already in use. Accordingly, although the proposed extension would result in additions that would be disproportionate to the original dwelling, I am satisfied that the proposal would suitably reflect the vernacular style and materials of surrounding development.
13. I note the Council's concerns regarding the treatment of the east facing elevation, specifically the lack of visual interest at first floor level. However, this would be seen within the context of the broader elevation which has an array of window openings. Moreover, despite its limited size, the set back would have the effect of offering some modest visual relief to the wide elevation. Accordingly, in my judgement, the east facing elevation would not be of a discordant visual appearance and instead would represent a wide façade, albeit one with suitable interest.
14. Consequently, for the reasons identified above, I conclude that the proposal would not harm the character and appearance of the area. It would therefore comply with Policies CS.9, CS.12, and CS.20 of the CS, which taken together, seek amongst other things, high quality design that is respectful to the SLA.

Trees

15. To the rear of the site, and close to where the proposed extension would be located, are a collection of large and mature trees. These include a large Willow tree within the appeal site itself, but also what appear to be a large Silver Birch and Pine tree within the neighbouring property. The trees are prominent when viewed from the public realm and make a positive contribution to the verdant surroundings. Accordingly, in my judgement, they have an important amenity value.
16. The proposal has not been supplemented by a tree survey or tree constraints plan. As a consequence, the relationship between the root protection areas of these trees and the proposed extension has not been established. I note that the appellant is keen to retain the trees, and that a trench did not establish any tree roots. In addition, I note the suggestion that a condition could be used to ensure suitable tree protection measures. However, due to the lack of evidence, I cannot be certain that the proposal would not unduly compromise

the integrity of these trees. Therefore, the use of a condition would be unreasonable because there is a chance that its requirements could not be fulfilled.

17. Consequently, I conclude that based on the evidence before me, the proposal would have a harmful effect on nearby trees. It would therefore fail to comply with Policies CS.2 and CS.5 of the CS, which taken together, seek amongst other things, to protect trees as part of the Green Infrastructure.

Other considerations

18. The proposal would help to provide a larger dwelling so as to accommodate the appellant's large family, which is anticipated to grow further. Accordingly, it would generate some social benefit for the appellant. However, I have no specific evidence regarding the explicit need for this accommodation, or the consequences of it not being provided. In my judgement, the increased size of the property would primarily be a private benefit and therefore, based on the evidence before me, I only attach limited weight to this matter.
19. Paragraph 144 of the Framework requires that substantial weight be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I have found that the proposal would not harm the character and appearance of the area, however, this is not a specific benefit of the proposal. I have also had regard to the other considerations set out by the appellant but only give these matters very limited weight.
20. As identified above, the proposal would represent inappropriate development in the Green Belt. It would also cause some very limited harm to the openness of the Green Belt as well as to nearby trees. Giving substantial weight to these matters, as required by the Framework, it is demonstrably apparent that the other considerations in this case would not clearly outweigh the identified harm. Accordingly, very special circumstances do not exist to justify the proposal.

Conclusion

21. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR