
Appeal Decisions

Site visit made on 23 March 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2021

Appeal Ref: APP/T3725/D/21/3267662

16 Aylesbury Court, Aylesbury Road, Lapworth B94 6BE

- 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 Curzon against the decision of Warwick District Council.
 - The application Ref W/20/1504, dated 09 September 2020, was refused by notice dated 03 December 2020.
 - The development proposed is extension to garage to form new poolhouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021, after the Council had determined the application. I am required to consider the appeals based on the current Framework. The policies of the Framework that are material to these appeals have not changed fundamentally. As such, it is not necessary to revert to the parties further.

Main Issues

3. The main issues are:
 - the effect of the proposal upon the character and appearance of the host property and surrounding area; and
 - The effect of the proposal on the setting of Aylesbury House Hotel, a grade II listed building.
 - whether the appeal development is inappropriate development for the purposes of the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - if the appeal development is inappropriate development, 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 necessary to justify it.

Reasons

Character and Appearance

4. 16 Aylesbury Court is located to the east of the Grade II Listed Aylesbury House Hotel and forms part of a recently constructed residential development adjoining the listed building (which has been converted into apartments). The new build element of the residential development comprises courtyard style layouts to the north and north-east, with a cul-de-sac 'hammerhead' style access drive to the east. No 16 is located off the access that forms the cul-de-sac serving two further dwellings to the south of the appeal site. The site is separated from the listed building by an area of landscaping and the access drive. No 16 is a 2-storey detached dwelling with a detached double garage located to the side (north-west). The garage includes floor space within the roof and is set back from the dwelling's main frontage. Open countryside adjoins the site to the east and large detached dwellings adjoin the site to the north-west and south-east.
5. The proposed single storey extension would be pitch-roofed and oriented with gables facing the front and rear of the property. The extension would be set down from the existing garage but would extend to the front and rear of the garage. Whilst there is variation in the surrounding housing layout, outbuildings are generally of a scale and layout that is clearly subservient to the host dwellings. I have had regard to the set back of the extension from the main dwelling. Nevertheless, the combined scale of the existing garage and the proposed extension, in combination with the forward projection and limited visual relief of the extension's frontage, would fail to maintain the subservient relationship between the outbuilding and main dwelling.
6. As such, the proposal would be harmful to the character and appearance of the host property and the surrounding area. This would be contrary to Policy BE1 of the Warwick District Local Plan (2017) (the Local Plan) and the Council's Residential Design Guide (2018) SPD, which taken together, seek to ensure development positively contributes to the character and quality of an environment through good design and layout. It would also, therefore, be contrary to Framework paragraph 130 which requires developments are sympathetic to local character and add to the overall quality of the area.

Listed Building Setting

7. S66(1) of the LBA requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. The appeal site is within the setting of the Grade II listed Aylesbury House Hotel. The Historic England listing describes Aylesbury House Hotel as a 3-storey, 3-bay range building dating from the mid-18th century (incorporating some earlier structure). Architectural details mentioned in the listing include the stone ashlar plinth; red brick with stone quoins; and the 3-storey angled bay windows. The significance of the listed building, in terms of its special architectural and historic interest, in part, derives from its age, character and well-preserved period architectural features.
8. Whilst the recent residential development included the demolition of several outbuildings surrounding the listed building, the residential development has significantly increased the amount of surrounding built form. The proposed extension would further urbanise the setting of Aylesbury House Hotel and would have a detrimental effect on views of the listed building from the east. Whilst these impacts would have only a very limited effect on the surroundings

in which the listed building is experienced, they would, nevertheless, be detrimental to the ability to experience and appreciate the significance of Aylesbury House Hotel.

9. As such, the proposal would result in harm to the setting of the listed building. With reference to Paragraphs 199 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. In this case, under the terms of the Framework, I consider the harm to be 'less than substantial' given the extent of the proposal and its consequent effects. However, less than substantial harm does not equate to less than substantial weight in the planning balance and therefore, in accordance with the Framework, it attracts great weight. Under such circumstances, Policy HE1 of the Local Plan and paragraph 202 of the Framework requires that the harm be weighed against any public benefits that the proposal might secure
10. The proposal would provide additional amenities to the occupiers of the dwelling. This is, however, of limited public benefit. Consequently, the harm I have identified would not be outweighed by any demonstrable public benefit and therefore the proposal would be contrary to Policy HE1 of the Local Plan and would also conflict with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.

Green Belt – Inappropriate Development

11. Policy DS18 of the Local Plan states that the Council will apply national policy to proposals within the Green Belt. Framework paragraph 149 lists the types of developments that are not considered inappropriate in the Green Belt. One exception, paragraph 149 (c), 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. The explanatory text to Policy H14 of the Local Plan indicates that extensions of more than 30% of the gross floor space of dwellings (excluding any detached buildings) are likely to be considered disproportionate in the Green Belt.
12. Whilst Policy H14 relates to extensions of the main dwelling, it does provide a useful guide as to what constitutes a disproportionate addition for the purposes of Framework paragraph 149. The Council state that the extension equates to an increase in floor area of approximately 123%. I cannot be certain that this figure is accurate given I have not been provided with the detailed calculations. Nevertheless, it is clear that the extension would be significantly in excess of a 30% increase in the gross floor space of the original building. The proposal would represent a disproportionate addition over and above the size of the original building and would be, therefore, inappropriate development in the Green Belt.

Green Belt - Openness

13. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt.
14. The proposal would increase the footprint and bulk of built development on the appeal site. It would be visible in public views from the east and within the wider residential development. As a result, both in spatial and visual terms, the

openness of the Green Belt would be reduced contrary to paragraph 137 of the Framework.

Other Considerations

15. The Framework makes it clear that substantial weight is given to any harm to the Green Belt. It establishes 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.
16. I acknowledge that the extension would represent a significantly smaller increase in gross floor space if assessed in the context of all the existing built form on the appeal site. I also acknowledge that outbuildings have previously been demolished in the approximate area of the extension. However, Framework paragraph 149 (c) is clear in its reference to a building rather than all existing built form on a site. I have no substantive evidence before me that would lead me to interpret paragraph 149 other than as it is plainly read.
17. As such, these other considerations do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development. The proposal, therefore, would conflict with Policy DS18 of the Local Plan and the Framework, including paragraphs 137 and 149.

Other Matters

18. I have had regard to the concerns of the occupiers of the neighbouring property regarding the impact of the proposal on living conditions. These matters are largely identified and considered within the Council officer's report on the appeal development. The Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions on these matters

Conclusion

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that appeals be determined in accordance with the provisions of the development plan unless material considerations (including the Framework) indicate otherwise.
20. I have found the proposal to conflict with the development plan, when taken as a whole, and the Framework. There are no considerations which indicate that the appeal should be determined other than in accordance with the development plan.
21. As such, for the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR