
Appeal Decision

Site Visit made on 13 July 2021 by John Gunn Dip TP, Dip DBE, MRTPI

Decision by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/T3725/D/21/3273387

4 Appletree Cottages, Old Warwick Road, Rowington, CV35 7BS

- 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 Ben Sandford against the decision of Warwick District Council.
 - The application Ref W/20/1497, dated 23 September 2020, was refused by notice dated 27 January 2021.
 - The development proposed is First floor extension over the existing building at the front and side of the dwelling.
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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.

Preliminary Matters

3. The Council's decision notice amends the description of the proposal to read 'Demolition of detached garage and erection of a first floor rear extension and a first floor side extension'. The appellant has used the same description as the Council, on his appeal form, and therefore it is not unreasonably assumed that both parties are content with the amended description. Consequently, the appeal has been determined based on the revised description.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt.

- If deemed inappropriate, the effect of the proposal on the openness of the Green Belt.
- The effect of the proposal on the character and appearance of the host property and the locality.
- If the development would be inappropriate, whether the harm to the Green Belt by way 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 for the Recommendation

6. The appeal property forms the end of a terrace of 4 cottages arranged in a row perpendicular to Old Warwick Road and is accessed via a communal drive. It stands within a landscaped garden that is significantly larger than the other 3 cottages. A prefabricated double garage lies a short distance from the host property within the northern part of the appeal site. With the exception of the nearby Russett Cottage, which lies to the west of the appeal site, and Bell Meadow, which is located on the opposite side of Old Warwick Road, Appletree Cottages lie within open countryside.

Whether Inappropriate Development

7. The Framework makes clear at paragraph 149 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these 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. Policy H14 of the Warwick District Plan 2011-2029 - adopted September 2017 (DP), deals with extensions within the open countryside. This indicates, as a guide, that extensions within the Green Belt, which add 30% or more to the floorspace of the original dwelling, excluding detached buildings, are likely to be considered disproportionate.
8. The Framework defines 'original building' as meaning the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
9. The main parties agree that the original dwelling's floor area was approximately 58.6 m². However, the parties disagree over the net increase resulting from existing and proposed extensions. The Council assert that the net increase in floorspace would be 57.9 m², or 98.8%, whereas the appellant contends that the net increase would be 32.4 m², or around 55.29%. Whilst allowing for some flexibility, even if I were to take the lower figure, the net increase in floorspace would still be significantly greater than the 30% recommended within the DP.
10. The appellant has referred to the Nationally Described Space Standards (NDSS) noting that the original property falls significantly short of current standards and that he is simply aiming to modernise the accommodation in a proportionate manner. However, assessing proportionality in seeking to define whether development is inappropriate is an objective test based on size, and floor area should not be the sole basis for considering whether such a change is disproportionate. As such, it is important to consider this issue in terms of the scale, bulk, massing and built form that would result from the changes sought.

11. In this regard, I am satisfied that the proposal would result in a significant increase in the width, albeit a smaller increase in the depth of the host property at first floor level. As a result, the proposed extensions would significantly add to the host property's scale, bulk, and mass. Consequently, the extension would amount to a disproportionate addition over and above the size of the original building.
12. For these reasons, the proposed development represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect of the proposal on the openness of the Green Belt

13. Openness is an essential characteristic of the Green Belt. The appeal proposal would result in the replacement of existing single storey structures with two storey extensions. The increase in height of these parts of the building would affect both visual and spatial openness in that it would be reduced. Whilst in isolation this reduction in openness would be modest, harm to the Green Belt would result.
14. On my site visit I observed that there would be limited views of the appeal property and the proposed development from Old Warwick Road. Furthermore, views of the proposed development from Finwood Road would be from a long distance and would be restricted by existing trees and hedges. However, the mitigating visual effect of these features would be reduced in the winter with the loss of their leaves. In any event I note that they are not in the control of the appellant and could be removed at any time, thus negating their benefit.

The effect on the character and appearance of the host property and the locality

15. The appeal property is a two storey dwelling in a terrace of four cottages. Nos 1-3 are narrow fronted, have a consistent ridge line and have doors facing south. In contrast No 4 already possesses a wider frontage, a lower ridge line than the rest of the terrace and is accessed from the communal drive that lies to the north of the property. The addition of the side extension, which would be a continuation of the original building line of the cottage, would further increase the width of the host property at first floor level. As a result, it would make the appeal property more prominent in the context of the terrace, particularly when viewed across the access drive to Russett Cottage, and which the use of materials as proposed would not mitigate. Furthermore, the addition of a rear gable on the side extension, of a similar width and height to that proposed on the rear of the host building, would not result in a subservient extension, and would result in an unacceptable juxtaposition between the proposed extensions. It would diminish the coherent appearance of the terrace when considered as a whole and erode the modest and rural character offered by the existing dwelling.
16. In making my assessment I have taken into account the Council's development plan and their Residential Design Guide (2018) which has been adopted as Supplementary Planning Guidance (SPD). These documents provide clear guidance on what the Council expects with regard to extensions to existing dwellings.

17. I am mindful that the appellant has revised his proposals since the refusal of an earlier planning application¹, and dismissal at a subsequent appeal². In particular I note that amendments have included the removal of the single storey side extension. In addition, insofar as the first floor side extension is concerned, the Council acknowledge that the reduction in the height of the ridge, gable, and eaves of the proposed first floor extension has led to 'a small improvement'. In that regard I agree with their assessment.
18. Notwithstanding these changes I find that the proposal would still not appear subservient to the original dwelling. Consequently, the proposal would be harmful to the character and appearance of the host property and the locality in conflict with Policy BE1 and H14 of the DP and the SPD which, amongst other matters, seek developments that respect surrounding buildings in terms of scale, height, form and massing and discourage developments that would result in disproportionate additions to the original dwelling. These policies and guidance are consistent with the aims of the Framework which supports high quality design.

Other considerations

19. The Framework makes it clear at paragraph 148, 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, is clearly outweighed by other considerations.
20. I acknowledge that the appellant has sought to respond to the earlier reasons for refusal by removing the single storey extension and redesigning the first floor extension, however for the reasons set out above I find that harm would result to both the Green Belt and the appearance of the host property and locality.
21. The appellant has drawn my attention to developments that have been undertaken at Russet Cottage through permitted development³ and a planning application⁴ which has led to an additional 125 m², or 113.2%, of new floor space being added to the original property. Whilst the full circumstances of those decisions have not been made available to me, Russet Cottage clearly differs in its context and form as a detached dwelling set within a large plot, and furthermore I note that these decisions were made prior to the adoption of the DP in 2017. In any event, I am mindful that each decision must be determined on its own merits.
22. The appellant has drawn my attention to a prospective fallback position, and I acknowledge that there is a real prospect that, in the event that the appeal is dismissed, the appellant would proceed with the erection of the outbuilding positioned to the side of the property that benefits from a lawful development certificate⁵. Whilst noting that the floor area of the outbuilding would provide a larger increase in floor space than the appeal proposal, I do not accept that their impact would be similar. The single-storey form of the outbuilding would have a markedly more limited visual impact than the proposed extension, and

¹ W/19/0848

² APP/T3725/D/19/3242399

³ W/15/0097

⁴ W/15/0098

⁵ W/20/0395

it does not therefore provide a reasonable basis to justify a proposal that would cause significant harm. Furthermore, and without any evidence to the contrary, it would appear to be conceivable that both the appeal proposal and the fallback scheme could be implemented, thereby negating the fallback argument.

23. I agree that the demolition of the double garage would result in the removal of floorspace, however this structure did not form part of the original dwelling. Furthermore, I am mindful that Policy H14 excludes detached buildings, when assessing whether a proposal is disproportionate. Consequently, whilst acknowledging that its removal might 'consolidate the amount of built development at the site' its removal does not materially affect my conclusions as set out above.

Balancing of considerations and whether very special circumstances exist

24. The proposed development would represent inappropriate development, which is, by definition, harmful to the Green Belt. Additionally, I have found that there would be harm to the openness of this part of the Green Belt and the character and appearance of the appeal property and the locality. Limited weight has been given cumulatively to the material considerations cited in support of the proposal, but I conclude that they do not outweigh the harm the proposed development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal therefore conflicts with Green Belt policy contained within the Framework and Policies DS18, H14 and BE1 of the DP.

Conclusion and Recommendation

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

John Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

M Seaton

INSPECTOR