



Appeal Decision

Site visit made on 12 July 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/R3705/D/21/3272539

Holly Farm Barn, 5 Ferndale Close, Hurley, CV9 2NX

- 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 Jeff Pedley against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2020/0484, dated 13 September 2020, was refused by notice dated 12 February 2021.
 - The development proposed is a room above detached garage, increased roof heights.
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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.

Procedural Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy 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.

Background and Main Issues

4. The garage at the appeal site is partially within the Green Belt and relevant Green Belt policies therefore apply. The National Planning Policy Framework (the Framework) identifies that new buildings within the Green Belt will be inappropriate, save for a number of exceptions, including paragraph 149(c) which relates to the extension or alteration of buildings. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist to justify a proposal.
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5. As such, the main issues are:

- whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
- 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 dwellinghouse and its immediate setting; and
- if the proposal would be 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 for the Recommendation

6. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building.
7. Policy NW3 of the Core Strategy (October 2014) (CS) does not refer to extensions to buildings in the Green Belt, however the supporting text in paragraph 7.1 is consistent with the Framework in that it seeks to protect the open nature of the Green Belt and that there is a general presumption against inappropriate development except in very special circumstances. It is further stated in paragraph 7.1 that National Green Belt policy operates over two-thirds of the borough.
8. The Framework states that extensions to buildings will not be inappropriate providing they do not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.' However, the term 'disproportionate' is not defined and, given the lack of any criteria in the development plan, a judgement is required in any given case. The appeal dwelling is a converted barn with a single-storey detached garage. The Council has calculated that the proposed addition of a first-floor to the garage would result in an increase of 45% of the volume of the original building which is a substantial increase.
9. Size is more than a function of volume and includes bulk, mass, and height. The apparent scale and mass of the building would be notably increased as a result of the increase to the ridge and eaves heights. In comparison to the existing modest garage which is subservient to the main dwelling, the extended structure would compete in terms of its height and form and notably fill in space to the side of the main property. From the information before me I am satisfied, as a matter of judgement, that the additions to the original building would be disproportionate when considered in the context of the size of the existing garage.
10. At the time of my visit, the garage was physically attached to the main dwelling and, as such, could be considered as an extension to it. In that case, the 'original building' would constitute the dwelling and it would be necessary to assess whether any cumulative additions over and above the original structure were disproportionate. Neither party has made such an assessment and it is

difficult to be certain as to the extent to which the building has previously been extended. However, the garage appears to be relatively recent and a number of other extensions are present, including the conservatory to the side and the front extension which links to the garage. When added to those elements, the garage extension would not only increase the volumetric scale of extensions but would significantly increase the height and mass of the structure directly next to the main dwelling. Consequently, on the information before me, the proposal would amount to a disproportionate addition if considered as an extension to the main property.

11. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness of the Green Belt

12. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant¹. As the visual and spatial bulk of the building would be increased by the extension, the proposal would result in a reduction in the openness of the Green Belt. This would be noticeable at a local level where the first floor extension would intrude into the skyline to the side of the dwelling. However, given the localised nature of the impact, the proposal would cause limited harm to the openness of the Green Belt. This is in addition to the harm by reason of its inappropriateness.

Character and appearance

13. The appeal property is part of a small development in Ferndale Close of four detached dwellings and a barn conversion that received outline planning permission in 2000 with the reserved matters approved in 2002². The detached garage is positioned to the front of the property and is highly visible when approaching the site along Ferndale Close.
14. Guidance in paragraph 4.1 of the Council's Guide for the Design of Householder Developments (September 2003) (GDHD) states that detached outbuildings, including garages, are best sited as inconspicuously as possible. While the existing garage is in a prominent location, it blends in with the residential character of the street and the backdrop of the appeal property.
15. Due to the nature of the barn conversion, the appeal property is one and a half storeys in height. The proposed increased height of the garage would result in the garage appearing to be similar in height to the main house. Given its position to the front of the site, the enlarged garage would no longer appear as a subservient structure but would compete in terms of scale with the converted barn. In addition to the scale, the roof pitch would be at odds with the steeper pitch of the converted property which would add to the bulky appearance. Overall, the extension would not sit comfortably in relation to the main house and would be a conspicuous and visually dominant feature in the street. Whilst the barn has been significantly altered some of the original form, particularly the roof form, remains and the scale and location of the proposal would not be sympathetic to the original property for the reasons set out.

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

² Planning application refs. OAP/2000/0381 and ARM/2001/0075

16. I therefore conclude that the proposed garage extension would cause harm to the character and appearance of the appeal dwellinghouse and its immediate setting. The proposal would therefore fail to comply with policy NW12 of the CS and saved policies ENV12 and ENV 13 of the North Warwickshire Local Plan (July 2006) which all seek, amongst other things, for development including extensions to positively integrate into its surroundings and to improve the character and appearance of the area. The proposal would also conflict with the guidance in paragraph 4.1 of the GDHD.

Other Considerations

17. The appellant has referred to various other developments in support of his case. However, the planning history of those sites is not apparent and it is not clear if each site is located within the Green Belt, as is the case here and where very specific national policy restrictions apply. Moreover, it is not clear if the modern dwellings referred to replaced previous structures, such as farm buildings and it is not possible to draw any direct comparison between the context in which those dwellings were approved and the appeal site.
18. The other four properties in the street are two-storey detached dwellings. Two of these dwellings, shown in Exhibits 2 and 3 of the appellant's statement, have integral garages that are part of two-storey attached front gable elements. These gable elements appear to be original design features of the dwellings, and as they are integrated into the appearance of the host dwelling they are therefore different in nature to a detached garage. One of the properties shown in Exhibit 3 has since converted its garage to habitable accommodation. One of the dwellings in the street, shown in Exhibit 4, has a two-storey detached garage which also appears to be an original feature, however this garage is set to the rear of the host dwelling and is only visible from a small part of the street. As such, the existing garages in the street are not directly comparable to the proposal before me and do not justify the appeal proposal.
19. My attention has also been drawn to 97 Knowle Road (Exhibit 5), which has an integral garage as part of a two-storey front gable element, and 1 High View (Exhibit 6) which has a first-floor extension above an attached garage. However, neither of these garages and extensions are detached. Furthermore, neither of these properties appear to be in the Green Belt and no substantive details of any planning permissions for these extensions have been provided. In addition, none of the examples referred to relate to structures next to converted barns but are all purpose built dwellings where design considerations will be different. For those reasons, I give little weight to the arguments relating to other local development

Planning balance and conclusion

20. The proposal is inappropriate development in the Green Belt and, in addition, would cause harm to the openness of the Green Belt. The Framework establishes that substantial weight is afforded to any harm to the Green Belt.
21. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. For the reasons given, I give little weight to the arguments advanced in relation to other development in the area. No other considerations have been put forwards by the appellant, although the proposal would result in

the increase in habitable space in the appeal dwelling. However, the harm that would be caused to the Green Belt in addition to the harm that would be caused to the character and appearance of the appeal dwellinghouse and its immediate setting is not clearly outweighed by any private benefits to the scheme. Consequently, very special circumstances do not exist. As such, the proposal is contrary to policy NW3 of the CS and paragraphs 147 and 148 of the Framework.

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

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR