



Appeal Decision

Site Visit made on 2 November 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/U4610/D/21/3279757

132, Butt Lane, Coventry CV5 9FE

- 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 L Accardi against the decision of Coventry City Council.
 - The application Ref HH/2021/0063, dated 13 January 2021, was refused by notice dated 19 May 2021.
 - The development proposed is described as Garage Extension to Existing Cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At my request plans were submitted during the appeal process highlighting the extent of existing extensions to the property. I have taken these into account in reaching my decision.

Main Issues

3. The main issues are:
 - whether the development constitutes inappropriate development in the Green Belt, having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - if the development is inappropriate development, its effect on the openness of the Green Belt;
 - the effect of the development on the host property, existing tree and the character and appearance of the area, and
 - if the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. Sub paragraph 2A of Policy GB1 of the Coventry City Local Plan 2017, (LP), advises that inappropriate development in the Green Belt will not be permitted unless very special circumstances exist, and development proposals in the Green Belt will be assessed against relevant national planning policy. Hence, Policy GB1 is consistent with, as it defers to, national Green Belt policy.

5. National Green Belt policy is provided in the National Planning Policy Framework (the Framework). Paragraph 149 of the Framework advises that new buildings in the Green Belt are inappropriate. However, certain exceptions are provided, one of which is relevant to the appeal. Thus, sub paragraph 149 (c) allows for "*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*".
6. The appellant accepts that the dwelling has already benefitted from large extensions, and the plans submitted highlighting the existing extensions confirm this. The appellant suggests that the proposal would not constitute a disproportionate increase over the existing property and would only cover a small percentage of the appeal site. However, the Framework refers to additions over and above the size of the original property, not over and above the existing property or relative to the size of the site. Given that previous extensions to the property have broadly doubled the size of the original dwelling, there is no doubt in my mind that the addition of the proposed extension would result in disproportionate additions to the original building.
7. Consequently, the proposal constitutes inappropriate development in the Green Belt. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.

Effect on openness

8. Paragraph 137 of the Framework advises that the essential characteristics of Green Belts are their openness and permanence. The openness of the Green Belt can have both spatial and visual dimensions.
9. With a garage footprint of around 6.5m x 5.5m and a ridge height around 5.5m, I consider the proposed extension would have a moderate degree of impact on the spatial openness of the Green Belt. I accept that the proposed extension would primarily only be visible from a short stretch of Butt Lane. However, it would be attached to the existing side elevation of the host property and therefore sited between the dwelling and an Oak tree located on the north-western boundary of the site. As such, it would fill the gap that currently exists between the dwelling and the tree, thereby blocking existing glimpsing views of the open countryside to the rear of the site. I therefore consider that the proposal would have an impact on the visual openness of the Green Belt, all-be-it to a limited degree.

Effect on the host property, existing Oak tree and character and appearance of the area

10. I have concluded that the proposed extension would result in disproportionate additions to the original dwelling within the context of Green Belt policies. I am also of the view that the proposal would result in disproportionate additions to the original dwelling regardless of Green Belt policies. I consider the combined additions would erode the character and appearance of the host property, which was originally that of a small cottage sited within a spacious plot. Additionally, I consider the additional large extension, which would be constructed at an angle to the existing front and rear elevations of the dwelling, would disrupt the balance of the dwelling in respect of its size and building lines. In my opinion, the proposal would therefore have a detrimental

effect on the host property. As such, I consider it would be harmful, to a limited degree, to the street scene and therefore the character and appearance of the area.

11. I note the Council's concerns regarding the future well-being of the existing Oak tree. However, there is already compacted hard standing laid over the tree's roots. Additionally, I consider it likely that a suitable construction method for foundations could be employed, and suitable tree protection measures could be installed to protect the tree during the construction phase, thereby preventing significant damage to the tree's roots, should I have been allowing the appeal.
12. Notwithstanding my conclusion regarding the effect of the proposal on the existing Oak tree, as I have found that the proposed extension would harm the character and appearance of the host dwelling and the area, I conclude that the proposal does not accord with Policy DE1 of the LP, which requires all development proposals to respect and enhance their surroundings and positively contribute to the character of the area.

Other considerations & very special circumstances

13. Paragraph 148 of the Framework advises that when assessing planning applications in the Green Belt, substantial weight shall be given to any harm to the Green Belt. Additionally, '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.
14. It is proposed that the appellant has underlying health issues, namely type 1 diabetes and a heart condition as well as walking difficulties due to a spinal compression. It is contended that the proposed garage would be used to house a new adapted vehicle which would allow the appellant to embark and disembark from the vehicle under cover, utilising an electrically powered wheelchair, without relying on the assistance of his elderly wife. The appellant suggests that such health issues constitute other considerations that clearly outweigh what he considers to be the limited harm to the Green Belt, and as such these other considerations amount to the very special circumstances required to justify any harm to the Green Belt.
15. I appreciate that the appellant may have very real health issues. However, I have not been provided with any substantive evidence of the matters raised. Furthermore, the courts have generally found that the planning system operates in the public interest, rather than the personal interests of individuals. For these reasons, I only attach limited weight to the other considerations outlined.
16. I have found that the proposal constitutes inappropriate development in the Green Belt, that it would have a moderate degree of impact on the spatial and openness of the Green Belt and a limited degree of impact on the visual openness of the Green belt. Additionally, I have found that the proposal would harm the character and appearance of the host property and therefore the character and appearance of the area to a limited degree.
17. In accordance with the Framework, substantial weight is attached to any harm to the Green Belt. For the reasons given, I conclude that the harms I have

found have not been clearly outweighed by the other considerations outlined above. Consequently, the very special circumstances required to justify the proposed development do not exist. As such, the proposal does not accord with Policy GB1 of the LP or Green Belt policies in the Framework.

Conclusion

18. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR