



Appeal Decision

Site visit made on 23 November 2021

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2022

Appeal Ref: APP/T3725/D/21/3284178

Pear Tree Cottage, 5 Vicarage Road, Stoneleigh CV8 3DH

- 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 and Mrs Beaumont against the decision of Warwick District Council.
 - The application Ref W/20/2116, dated 18 December 2020, was refused by notice dated 16 July 2021.
 - The development proposed is for carport, garage and home office outbuilding.
-

Decision

1. The appeal is dismissed.

Main Issues

2. As the site is located within the West Midlands Green Belt, the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and the development plan;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the proposed development would preserve the setting of the appeal property, Pear Tree Cottage, a Grade II listed building;
 - Whether the proposed development would preserve or enhance the character or appearance of the Stoneleigh Conservation Area (the 'CA');
 - The effect of the proposal on the living conditions of existing occupiers of Holly House with particular regard to privacy;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations which amount to very special circumstances required to justify a grant of planning permission for the proposed development.

Reasons

Whether the scheme is inappropriate development in the Green Belt

3. Paragraph 147 states that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework regards the construction of new

buildings as inappropriate development in the Green Belt, subject to various exceptions set out in paragraph 149.

4. Policy DS18 of the Warwick District Local Plan (the 'Local Plan') seeks to protect Green Belt from urban sprawl and inappropriate development unless the development falls within the exceptions listed in the Framework. I am satisfied that Local Plan Policy DS18 is broadly consistent with the Framework.
5. The proposal is for the erection of a detached outbuilding that would comprise a single garage plus a single open-fronted carport. In the roof space there would be a 'home office' accessed by an external wooden staircase. The outbuilding would be sited towards the rear and side of Pear Tree Cottage, on what is currently private garden laid to grass with sunken trampolines. The outbuilding would be timber-framed and clad with feather-edge timber boarding, with a reclaimed plain clay tile pitched roof.
6. The proposed development does not fall within any of the exceptions for new buildings listed in 149a) to g). Nor does it fall within any of the other types of exception development listed in paragraph 150. Accordingly, the appeal development would constitute inappropriate development, as described in paragraph 149 of the Framework and Local Plan Policy DS18.

Effect on the openness of the Green Belt

7. Paragraph 137 of the Framework identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
8. Openness requires consideration of both spatial and visual aspects and consideration of the impact or harm, if any, wrought by the change. Even though the proposed building would be sited within the private garden of a dwelling, which is located in a village with other dwellings nearby, the principles of protection apply to all Green Belt land.
9. The outbuilding would be physically present as it would have a sizeable footprint and occupy space on the ground that is previously free of built development. It would also have volume due to its height, and hence would introduce a structure with substantial bulk and massing in the rear garden where there is currently none. I saw on my visit that the proposed building would also be easily seen from both the public highway and a nearby public footpath.
10. The proposed building would be a material addition to the amount of built development on the site. This change would see a reduction in both the spatial and visual openness of the Green Belt in this location and hence cause harm to the Green Belt. This in turn would undermine the fundamental aim of keeping land permanently open.

Effect on the listed building

11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'LBCA Act') requires that special regard is had to the desirability of preserving a building or its setting.

12. According to Historic England's official listing the appeal property is a timber framed cottage, encased in red brick, with a steeply pitched roof with gabled ends and brick chimney stacks. The three gabled attic dormers on the front roof slope facing the road, and a small timber frame and painted brick wing at the rear, are specifically mentioned in the listing. Due to its age and being an example of local vernacular, Pear Tree Cottage has both architectural and historic significance.
13. The property has a T-shaped form. The original cottage runs parallel to the road and various extensions and outbuildings extend out at the rear, getting progressively lower and more diminutive towards the rear of the plot. The garden to the side provides the cottage with space, allowing the legibility of the property to be read. The garden, the gap it creates and the progressively lower buildings make an important contribution to the setting of the listed building.
14. The proposed outbuilding would occupy part of this space, even though the outbuilding would be set back from the original cottage and roadside. Despite the outbuilding being sunken into the sloping ground, the ridge of the roof would be almost the same height as the dwelling and taller than some of the rear extensions, as shown on the submitted plans. This would make the outbuilding overly dominant and disrupt the diminutive progression and relationship of the rear extension buildings.
15. The height and dominance of the outbuilding would be exacerbated by the two large dormer windows in its front roof slope. These would give a domestic appearance to the outbuilding, at odds with its proposed function as an ancillary outbuilding. Furthermore, their presence and size would visually compete with the historic dormer windows in the front roadside-facing roof slope of the cottage. Due to its width and siting the outbuilding would also be partially hidden behind the front elevation of the dwelling when viewed from the road. This would reduce the space and gap to the side of the cottage, effectively creating a terrace.
16. I find these factors would combine to diminish the significance of the cottage and its surrounding space. Consequently the proposed development would cause harm to the setting of the listed building and hence would not preserve it.

Effect on the Conservation Area

17. The appeal property and site lie within the village of Stoneleigh and the Stoneleigh CA. For buildings or other land in a conservation area Section 72(1) of the LBCA Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.
18. I have not been provided with a CA Appraisal, but I saw on my visit that the CA comprised a substantial village with properties and roads emanating from the central village green, with period properties of varying ages, styles and designs, many of which were timber-framed or brick. I also saw that a number of the older properties had been extended and some had more modern garages. Nonetheless, the significance of the CA is derived from its age and historic and architectural interest. The cottage is small-scale, but due to its prominent roadside location it makes a positive contribution to the character and appearance of the CA and the street scene.

19. The siting, size, height, materials and design, including the dormer windows, would result in an overly large and visually dominant outbuilding that would detract from the cottage's quiet and small-scale nature in the street scene. Furthermore, much of the side gable of the outbuilding would be highly visible above the side boundary wall that runs along the private drive leading to Holly House at the rear. It would also be very visible from the public footpath that runs along the private drive, reinforcing the visual dominance the outbuilding would have.
20. Whilst timber-clad outbuildings are not uncommon structures in general, it would be an unsympathetic choice of materials in this location, where brick is the predominate material.
21. I find that the proposed outbuilding would cause significant harm such that it would not preserve or enhance the character or appearance of the CA

Weighing up any public benefits

22. There is no dispute between the parties that the harm caused to the Grade II listed Pear Tree Cottage and the CA, which are both designated heritage assets, would be less than substantial. In such circumstances paragraph 202 of the Framework requires that the harm should be weighed against any public benefits of the proposal.
23. The appellant has advanced a number of benefits of the proposed outbuilding. It would provide a home office, a facility now more acutely needed during the Covid-19 pandemic. By not needing to commute to work the appellants would reduce their carbon footprint and hence the development would have associated environmental benefits. They would also save money on transport fuel. The proposed development would also provide the appellants with some secure parking. Furthermore, the erection of a detached outbuilding would not require works to the fabric of the listed building itself.
24. In accordance with paragraph 199 of the Framework I attach great weight to the conservation of the designated heritage assets. Taking into account the appellant's matters, I find they do not amount to a public benefit, alone or in combination, sufficient to outweigh the harm that would be caused to these heritage assets. I therefore conclude that the significance of the heritage assets has been diminished and that the proposed outbuilding would not preserve the setting of the Grade II listed building and would neither preserve or enhance the character or appearance of the CA.
25. Accordingly, the proposal would be contrary to Local Plan Policy HE1, which requires, amongst other things, that where there would be less than substantial harm to the significance of a designated asset that the harm is weighed against the public benefits of the proposal.

Living Conditions

26. The proposed outbuilding would be sited in close proximity to the rear boundary of the appeal site, which comprises a brick wall with shrubs and vegetation planted in front of it. I saw that this currently helps provide mutual screening for occupiers of the appeal property and Holly House, which sits to the rear of the appeal site.

27. On my visit to Holly House I saw that windows serving habitable rooms at ground floor (lounge and dining room) and at first floor level (two bedrooms) face towards the rear boundary wall of the appeal site and hence would face the rear of the proposed outbuilding with its rooflights and external staircase. Due to the orientation of the Holly House, parts of its private garden and a patio sitting area are located at the front of the property. The building would be about 9.5 metres away from the neighbour's first floor windows, which is less than suggested distances in the Council's Supplementary Planning Document Residential Design Guide (the 'Design SPD').
28. Although the outbuilding would be sunken down, the difference in ground levels would mean that users of the home-office and the external staircase would be able to look towards the habitable rooms and down into the garden and patio area of Holly House, although some views would be more oblique.
29. It was evident to me on my visit that the proposed outbuilding would have an unneighbourly and intrusive effect by allowing overlooking of these habitable rooms and part of the garden. As the stated purpose is as a home-office this would indicate to me more frequent usage of the space and staircase than if the roof space was a play room, guest room or storage for example. Consequently, the proposal would result in a loss of privacy to an unacceptable degree. Any loss of vegetation screening along this boundary would further exacerbate overlooking and reduce privacy, and there would not be adequate space between the building and the boundary wall for any meaningful landscaping to survive and mature to offer any screening.
30. The appellants have suggested a condition could be imposed requiring the rooflights to be obscure glazed, fixed shut or even removed completely. This would overcome some of the overlooking issues. However, as I have found harm to the Green Belt and the designated heritage assets, any mitigation of overlooking from the rooflights that could be achieved is a neutral factor in my consideration of the appeal proposal as a whole.
31. The appellants also suggest an obscure balustrade could be added to the external staircase. I have no details of how this would be constructed, its size or what it would look like to be able to judge its effectiveness. Moreover, imposing a condition requiring details of any balustrading could make the development substantially different from that proposed and would deny interested parties the opportunity to comment. It may also introduce additional bulk and massing to the building and further reduce openness of the Green Belt. Therefore, such a condition would not overcome my concerns nor make the scheme acceptable.
32. I therefore find the proposed development would harm the living conditions of existing occupiers of Holly House to an unacceptable degree. Accordingly, the development would be contrary to Local Plan Policy BE3, which does not permit any development proposal that would have an unacceptable adverse impact on the amenity, including privacy, of nearby residents. It would also be contrary to the guidance in the 'Design SPD'.

Other Matters

33. I acknowledge the appellants' concerns about the Council's handling of the application, but in reaching my decision I have been concerned only with the planning merits of the case.

34. The lack of representations from the occupiers of Holly House at the time does not mean there is no unacceptable harm nor diminish the harm that I have identified. As planning permission runs with the land I must determine the proposal on its own planning merits.

Other Considerations and Green Belt Balance

35. The appeal development would represent inappropriate development in the Green Belt which is, by definition, harmful. I have also found significant harm to openness and conflict with one of the Green Belt purposes. Inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
36. Paragraph 148 of the Framework states that any harm caused to the Green Belt must be given substantial weight. Following the statutory tests, great weight must also be given to the harm that would be caused to the heritage assets. In addition, there would be unacceptable harm caused to the living conditions of existing occupiers of the neighbouring property. These are serious planning objections.
37. On the other side of the balance, the appellants advance a number of other considerations to support their appeal. I have already taken some of these into account in paragraph 23 above. I find collectively they weigh only moderately in favour of the proposal.
38. The Covid-19 pandemic and the various government restrictions has made home-working a necessity at times for a significant proportion of the working population. It is not uncommon or unreasonable for people to work from home and need space to do so if there is no space within the dwelling. However, there is limited evidence to demonstrate why the outbuilding has been designed in the way it has, or that this is the only way to provide the proposed accommodation. I note the appellants' view that the Council's suggestion to extend the dwelling instead would be more harmful to the listed building. However, such a scheme does not form part of the appeal before me. I therefore give the need for home-working moderate weight. In my view, the environmental benefits, laudable as they are, are not of significant magnitude to overcome the harms I have identified.
39. I understand a previous scheme for a detached single garage was approved in 2006¹ in a similar location. The Council describes the differences in that the approved garage building would have been smaller in scale and height and would have been built from reclaimed brick. The garage would also have maintained the gap between it and the rear of the dwelling. Neither party has provided any plans of the previously approved garage. Nonetheless, the previously approved garage does not represent a 'fallback' position because the permission has lapsed and cannot be implemented lawfully.
40. The Council may well have allowed other outbuildings and garages in the village or elsewhere in the Green Belt, and I saw a prominent garage opposite the appeal property. However, I have not been provided with the details or particular circumstances of these or indeed their legitimacy. Their existence

¹ LPA ref: W/06/0184

does not set a precedent or justify allowing harmful development. I cannot make any meaningful comparisons with the appeal scheme before me. In any event as I must consider the appeal proposal on its own merits.

41. However, the fact that the previously approved smaller garage and other outbuildings or extensions have been allowed in the Green Belt demonstrate to me that the Council has found that development can be designed or located in a way that does not cause harm to the Green Belt or designated heritage assets.
42. Imposing conditions that the rooflights are removed, or are fitted with obscure glazing, or fixed shut, and/or adding an obscure balustrade to the external staircase may overcome some issues of overlooking. However, this would not sufficiently mitigate against the harm I have found to the heritage assets or to the Green Belt.
43. The appellants refer to being able to erect an outbuilding under 'permitted development'². However, buildings erected within the curtilage of a listed building would not be permitted development and would thus require planning permission.
44. The appellants want secure parking. I give this only moderate weight as I have not been provided with any substantive evidence of the necessity of this. Furthermore, I saw that the garden area is accessible from the highway via picket-style timber gates, such that the site is not without space for some secure on-site parking behind some form of lockable gates.
45. To conclude, the appeal proposal would be inappropriate development in the terms set out in the Framework and would lead to a harmful loss of openness to the Green Belt. The proposal would also have a detrimental effect upon the Grade II listed Pear Tree Cottage from development within its setting and would not preserve or enhance the character or appearance of the CA. I find the other considerations advanced by the appellants, taken alone or in combination, do not clearly outweigh the totality of the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
46. The proposal would therefore conflict with Local Plan Policies DS18, HE1 and BE3, whose aims have already been outlined above, and the Framework.

Conclusion

47. The proposed development would not accord with the development plan and there are no material considerations to outweigh this finding. For the reasons given above, the appeal is dismissed.

K. Stephens
INSPECTOR

² Under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)