



Appeal Decision

Site visit made on 30 November 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/T3725/D/21/3278974

10 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 Ms and Mr Ann and Jules Lowe and Storer against the decision of Warwick District Council.
 - The application Ref W/20/1934, dated 20 November 2020, was refused by notice dated 30 April 2021.
 - The development proposed is proposed demolition of an existing garage in the garden and erection of a larger garden room / home office on the plot.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing garage in the garden and erection of a larger garden room / home office at 10 Vicarage Road, Stoneleigh CV8 3DH in accordance with the terms of the application, Ref W/20/1934, dated 20 November 2020, subject to the following conditions:
 - 1) The development hereby approved shall be carried out not later than three years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: Site Plan and Block Plans DWG No 2028/P/03 Amendment A; Proposed Plans DWG No 2028/P/01 Amendment B; Proposed Elevations DWG No 2028/P/02 Amendment B.
 - 3) Prior to their use on the building hereby permitted, details and / or samples of the colour, texture and finish of all external materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and / or samples.
 - 4) The external windows and doors installed in the building hereby permitted shall be constructed and installed in accordance with details and specifications which have first been submitted to and approved in writing by the Local Planning Authority. These shall include details and / or samples of the materials, colour and finish of the windows and doors.

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 Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. Whilst the appeal has proceeded under the Householder Appeal procedure, the appellant's grounds of appeal included new material evidence that was not before the Council during the application process. Consequently, in the interest of fairness and as allowed for by Regulation 8 1) of the Town and Country planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, the Council has had the opportunity to comment on this new evidence and the appellant has subsequently had the opportunity to respond. I am therefore satisfied that the main parties have not been prejudiced by my accepting this additional evidence.

Main Issue

5. Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons for the Recommendation

6. The Framework establishes that the construction of new buildings within the Green Belt would be inappropriate subject to a number of exceptions set out in paragraphs 149 and 150. Policy DS18 of the Warwick District Local Plan 2011-2029 (LP) (adopted 2017) states that the Council will apply national planning policy to proposals in the Green Belt. National and local policy and guidance do not state that proposed developments can only fall within, or be considered against, just one of these exceptions. Therefore, if a proposal does not fall under one exception it can still be considered whether it might fall under another.
7. The exception at Paragraph 149 d) of the Framework permits the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The existing building is used for storage in association with the house and the proposal would also be for ancillary residential use. Therefore, the proposal would be in the same use.
8. The Courts have held that in considering whether a building is materially larger than what it will replace the exercise is primarily an objective one by reference to size. There is nothing in paragraph 149 d) to indicate that a replacement building should be considered in relation to other surrounding development, as the exception only refers to whether it would be materially larger than the building it replaces. The proposal would be 6 square metres (sqm) larger than the existing, an amount which in some circumstances might be relatively minor. However, in comparison to the 10sqm area of the existing building it would be a significant enlargement. Furthermore, the proposed building would be wider, deeper, slightly higher and have a larger roof than the existing

building. As a result, it would be visibly larger in scale and bulk than the existing building. For these reasons, and despite the presence of much larger buildings nearby, I find that it would be materially larger than the building it would replace. Consequently, the proposal would not fall within this exception.

9. Framework paragraph 149 c) permits 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 existing building was the original garage to the house and as such could reasonably be considered to have been a normal domestic adjunct to it. Likewise, the proposed outbuilding would be used for purposes clearly related to the occupation of the dwelling. It would be in the same location on the site, relatively close to the dwelling and within a group of buildings closely associated with it. Therefore, I am satisfied that the proposed outbuilding can be considered as an extension to the dwelling.
10. The evidence before me is that there have been various extensions to the original building and a detached garage. Planning permission has recently been granted to replace the rear single storey extension with something similar in scale and the garage is relatively small in relation to the dwelling. The proposed outbuilding would be located behind this building and would be much smaller in scale compared with the host dwelling. Given the modest scale of these existing additions and the limited additional footprint from the proposed outbuilding, I find that the proposal, in combination with previous additions, would not result in disproportionate additions to the host dwelling.
11. Consequently, the proposal would fall within the exception in Framework paragraph 149 c) and would not amount to inappropriate development in the Green Belt. It would therefore comply with Policy DS18 of the LP.
12. Policy H14 is also referred to in the Council's decision notice but the policy relates to extensions to dwellings in the open countryside which this dwelling is not. Therefore, that Policy has not been determinative in my recommendation.

Other Matters

13. I have a statutory duty to consider the effect of the proposal on designated heritage assets. The Cottage is a Grade II listed building which derives considerable significance from its architecture and traditional materials and relationship to the road and surrounding countryside. The open fields to the side and rear and its large garden contribute to its setting and the way in which it is appreciated. The Stoneleigh Conservation Area is based around the historic core of the village and derives significance from the buildings, street pattern and relationship to surrounding countryside and the river.
14. Due to its small scale and position the existing outbuilding has little impact on how the main dwelling is experienced and the evidence before me is that it contains limited historic fabric. Consequently, I agree with the Council that it does not contribute to the significance of the listed building or the Conservation Area, and that its demolition would not therefore be harmful. The proposal would still be relatively small scale in the same location and would not be easily visible from public viewpoints. Subject to use of appropriate materials, windows and doors it would not have a significantly greater visual impact. The information provided on these is quite general, and as identified by the Council's Conservation Officer further details would be needed to ensure that

they were appropriate for this sensitive historic context. These can however be secured by planning conditions.

15. As a result, the proposal would preserve the setting and the features of special architectural or historic interest which the listed building possesses, and would preserve the character and appearance of the Conservation Area.
16. I also have a statutory duty to consider whether the proposal might impact on protected species. The existing outbuilding is located close to the neighbouring dwelling and the artificial light associated with it. Additionally, the outbuilding appears sound with no obvious cracks, crevices or holes in the roof or other features that make it likely to be used by bats. Therefore, having regard to Natural England's standing advice and the evidence before me I find that there is no reasonable likelihood of bats using the outbuilding.

Conditions

17. In addition to the statutory commencement condition and to the materials conditions referenced above, in the interests of certainty it is necessary to ensure that the development is completed in accordance with the approved plans.

Conclusion and Recommendation

18. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. Therefore, for the reasons given above, the proposal would accord with the development plan as a whole and, having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree and shall allow the appeal subject to the conditions listed above.

L McKay

INSPECTOR