



Appeal Decision

Site Visit made on 16 November 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

Appeal Ref: APP/J3720/D/21/3281113

Tudor House, Stratford Road, Hockley Heath B94 5PD

- 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 Roob Jutla against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/00520/FUL, dated 16 February 2021, was refused by notice dated 30 June 2021.
 - The development proposed is a new 1st floor to existing garage block.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt, and;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception being 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.
4. Policy CS10 of the Stratford-on-Avon District Core Strategy (2011-2031) (CS) broadly conforms to the general thrust of national Green Belt policy, supporting the limited extension or alteration of existing dwellings where this would be small scale compared to the original dwelling.

5. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
6. The appeal proposal would see the existing modest single storey garage extended to provide a two storey structure. To facilitate this, the elevations would be built up and a new roof erected with a higher ridge line, increased by some 2.6 metres, to accommodate the additional storey. 6 dormer windows would be inserted into the roof. Additionally, the garage is linked to the main dwelling via a single storey link, which would remain at this height, as such the two storey structure would appear somewhat divorced from the host dwelling. The proposal would not increase the footprint of the property, but it would increase its volume. The dwelling has been extended previously and the appellant estimates the cumulative volume increase to be approximately 58%. Taken together, these increases would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building.
7. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy CS10, and the associated policies of the Framework.

Openness

8. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Although set behind a hedgerow, the appeal property is visible from the adjacent highway. Notwithstanding the neighbouring dwelling or the existence of other two storey properties within the vicinity of the appeal site, the openness of the Green Belt is clearly evident around the property and the wider area. The existing single storey elements of the dwelling allows for the countryside to be viewed beyond. The introduction of a two storey structure, somewhat divorced from the host dwelling, would reduce the views of the countryside and therefore reduce the openness.
9. The appeal proposal would increase the volume, height and massing of the existing building and in doing so would result in a harmful loss of openness, albeit this would be limited given the scale of the proposal. This factor weighs against the proposal.

Other considerations

10. The evidence refers to a potential fallback position in the form of extensions or outbuildings that could be erected by exercising the appellant's permitted development rights. However, I have not been provided with any details of an alternative scheme and cannot therefore be sure that it would be a realistic or probable alternative. I therefore give little weight to this as a fallback position.
11. I accept that the proposal would enhance the living conditions of the occupiers of the property, providing them with a home office. The increased living accommodation is a private benefit and therefore attracts little weight.

Conclusion

12. In summary, the proposal would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
13. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

Tamsin Law

INSPECTOR