
Appeal Decision

Site visit made on 8 February 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/J3720/D/21/3284589

60 Malthouse Lane, Earlswood B94 5SA

- 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 Charles Wheelright against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/01678/FUL, dated 18 May 2021, was refused by notice dated 3 September 2021.
 - The development proposed is a proposed 2 storey side extension, conversion of existing garage into study and store, existing porch remodelling and new render finish to existing front and rear elevations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

Main Issues

2. The main issues in this case are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development is inappropriate, whether the harm to the Green Belt by way 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

Whether Inappropriate Development

3. Paragraph 149 of the Framework establishes that new buildings in the Green Belt are inappropriate, subject to a number of exceptions. One of the exceptions set out in paragraph 149 of the Framework is 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. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS) is broadly consistent with the Framework in this regard.
4. The Council has calculated that the increase in volume that would result from the proposed development equates to approximately 34%. When previous extensions are taken into account there would be, according to the Councils

figures, a cumulative increase in volume of 88% to the original building. These figures are not disputed by the appellant, and I have no reason to disagree with them.

5. No quantitative guidance is provided in local or national policy regarding what might be considered disproportionate. However, it is clear that the increase in size of the original building resulting from the proposal, combined with earlier extensions, would be substantial. Moreover, the proposed extension would add noticeable bulk and massing to the property and would result in the original dwelling being engulfed by extensions.
6. Consequently, I find that the proposed extensions would amount to disproportionate additions over and above the size of the original building and therefore constitute inappropriate development in the Green Belt for the purposes of the Framework and Policy CS.10 of the CS.
7. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

8. Openness is an essential characteristic of the Green Belt, which has a spatial aspect as well as a visual aspect.
9. Malthouse Lane is a long straight road made up of a variety of building designs, with a diverse range of sizes and scale. The area within the immediate vicinity of the appeal site is characterised by detached and semi-detached houses, and semi-detached bungalows. They are located on landscaped plots, set a modest distance back from the highway, which make a positive contribution to the area, resulting in an attractive, spacious appearance. Notwithstanding additions to some properties, the gaps between the building, which are of variable width, make an important contribution to the streetscene.
10. The proposal would narrow the gap between the host property and 56 Malthouse Lane at both first floor and roof level. The reduction in the space between the buildings would diminish both visual and spatial openness. This would be particularly apparent when viewed from Malthouse Court, which leads to the Earlswood Lakes car park, and Warren Close which lies to the south east.
11. The impact of the proposal on the openness of the Green Belt would be limited and localised. Nevertheless, harm would result to the Green Belt.

Other Considerations

12. Framework paragraph 148 establishes that 'very special circumstances' will not exist unless the potential harm to the Green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. I note that the Council are satisfied that the proposals would harmonise with the character of the host dwelling, streetscene and the wider area. In this respect I agree that the proposed development would be sympathetic to the surrounding area and would be in keeping with the design of the host property. I also accept that the proposed development would not adversely affect the amenity of neighbouring properties and would provide adequate parking for a development of the scale proposed. However, the absence of harm to the

character and appearance of the area, living conditions, or highway conditions, is a neutral factor.

14. I have also taken into account the development that has been carried out at 139 Malthouse Lane. In this regard I have considered the evidence submitted and viewed the site from the public realm. I note the Council's view on No. 139 however, given the site specific circumstances of the case before me, I have found this proposal would be disproportionate and would harm openness. Accordingly, I can only attach very limited weight to this matter in my consideration of this appeal. Each planning application and appeal is determined on its own merits.
15. I have been presented with no additional evidence of any special circumstances in this case.

Very special circumstances

16. The proposed development would represent inappropriate development, which is by definition, harmful to the Green Belt. Additionally, I have found harm to the openness of this part of the Green Belt. In this regard I am directed to by Framework paragraph 148 to give 'substantial weight to any such harm. Limited weight has been given cumulatively to the material considerations cited in support of the proposal, but I conclude that they do not clearly outweigh the harm the proposed development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposed development therefore conflicts with Green Belt policy contained within Policy CS.10 of the CS and the Framework.

Conclusion

17. There are no other relevant material considerations that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR