



Appeal Decision

Site visit made on 14 June 2022 by Thomas Courtney BA(Hons) MA

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2022

Appeal Ref: APP/T3725/D/22/3294785

13 Hall Close, Stoneleigh CV8 3DG

- 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 Parminder Bal against the decision of Warwick District Council.
 - The application Ref W/21/1844, dated 2 October 2021, was refused by notice dated 2 February 2022.
 - The development proposed is the erection of two storey side extension, single and two storey rear extension with two rear balconies, installation of 3no. front roof windows, 3no. rear roof windows and 2no. side roof windows.
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Decision

1. The appeal is dismissed.

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.

Procedural Matter

3. In the interests of accuracy and conciseness, the description of development in the header above has been taken from the decision notice and the appeal form.

Main Issues

4. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area;
 - The effect of the proposal on the living conditions of the neighbouring occupiers at No. 14 Hall Close (No 14) with particular regard to levels of daylight and sunlight and the effect on outlook; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be
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clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate

5. The appeal property comprises a semi-detached dwelling which lies within an established residential area. Stoneleigh is identified as a Limited Infill Village in the Warwick District Local Plan (2017) (LP) which is washed over by the Green Belt. Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. One exception 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. LP Policy DS18 is consistent with this in that it states that national planning policy will be applied to proposals in the Green Belt.
6. Policy H14 of the LP, referred to by the Council, applies to extensions to dwellings in the open countryside. Notwithstanding that the appeal dwelling is within the boundary of a Limited Infill Village, the village is 'washed over' by the Green Belt. The supporting text to Policy H14 indicates that the policy applies with equal measure to proposals within the Green Belt and in the open countryside outside the Green Belt designation. The supporting text states that additions to dwellings in the Green Belt that represent an increase of more than 30% of the gross floorspace of the original dwelling are likely to be considered disproportionate.
7. In this case, the Council states that the proposed extensions would result in an increase in floorspace of approximately 119% over and above the original dwelling, whilst the appellant states that the proposal would result in an increase in floorspace of 110%. Both figures are broadly comparable and serve to demonstrate the scale of the increase in floorspace.
8. The proposal would introduce a considerable amount of built form, including at first floor level. The resultant height of the two-storey side and rear extensions and the volume of roofscape proposed would result in significantly greater visual bulk and mass compared with the existing dwelling. The proposed side extension would appear excessively bulky and would have a considerable height of 8.20 metres, lying just below the existing dwelling's ridge height. I find that due to its scale and volume in relation to the size of the existing dwelling, the proposal would represent a disproportionate addition.
9. On the first main issue, I conclude that the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149 of the NPPF, as detailed above, and with Policy DS18 of the LP which seeks to resist inappropriate development in the Green Belt.

Openness

10. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The additional height, volume and visual bulk as a result of the proposal would materially impact on openness in a spatial aspect. Furthermore, the development would appear prominently in the streetscene and the considerable increase in built form would have an adverse visual impact on openness. Given this, the spatial and visual impact on openness would result in moderate harm to the Green Belt.

Character and appearance

11. The appeal dwelling is sited at the end of a cul-de-sac characterised mostly by semi-detached properties with pitched roofs and gardens of varying sizes. On my site visit, I observed that many of the neighbouring properties feature side and rear extensions as well as rear dormer windows.
12. Whilst the appellant states that the additions would be sufficiently subservient and symmetrical, the scale and appearance of the two-storey side and rear extensions would be excessive given the height of the roof and the resultant bulk proposed. Indeed, the ridge height of the side extension would be similar to the ridge height of the host dwelling. It would therefore not appear as a subservient addition and would unbalance the scale and symmetry of the pair of semi-detached properties that the appeal dwelling forms part of.
13. The proposed side extension would appear as a dominant addition and would feature prominently in the street scene whilst the rear extension would also be visible to occupiers of neighbouring properties from their rear windows and gardens. I find that the proposed extensions would be read as disproportionate and incongruous features.
14. The appellant opines that the guidance contained within the Council's Residential Design Guide Supplementary Planning Document (SPD) is of limited weight given that it predates the latest version of the NPPF and does not take into account the scale of work that can be done under Permitted Development. However, it has been adopted as an SPD and its guidance to secure high quality design for new residential development is consistent with the NPPF's guidance that development should be visually attractive as a result of good architecture and should be sympathetic to local character.
15. Furthermore, I have had regard to the extensions at the nearby properties which have been referred to me by the appellant, however none of these are comparable to the scale of development proposed in this case. Indeed, none of the developments shown on the Area Analysis plan comprise combined two-storey side and rear extensions.
16. Whilst the materials proposed would tie in with the existing property and the green roof would be an attractive feature, these would not outweigh the harm identified above.
17. The proposal would therefore adversely impact on the character and appearance of the host dwelling and the surrounding area. It would conflict with Policy BE1 of the LP, the NPPF and the Residential Design Guide SPD which together seek to ensure that proposals are well designed, will harmonise well with the area in which they lie and will respect surrounding buildings in term of scale, height, form and massing.

Living conditions

18. Drawing no. 01/06/2020 05 Rev A shows that the 45-degree angle from the nearest main window of No 14 would not be breached by the proposed extensions. Due to the separation distance between the two storey rear extension and No 14's habitable room windows, those rooms would be likely to continue to receive adequate levels of daylight. However, due to the height of the two storey extension and the orientation of the rear extensions to the west of No 14, they would cast shadow over No 14's patio area and towards the

windows, particularly during the late afternoon and evening. The reduction in levels of sunlight would make the rooms more gloomy in aspect and the patio area much less pleasant to use, which would be materially harmful to the living conditions currently enjoyed by No 14's occupiers.

19. Furthermore, although the first floor of the two storey extension would be set back slightly from the common boundary with No 14, it would appear as a bulky and dominant addition which would have an overbearing impact on the neighbouring occupiers. Due to the combination of its height, depth and the expanse of walling at first floor level, it would increase the sense of enclosure when viewed from No 14's rear windows and patio area, causing material harm to the living conditions currently enjoyed by the occupiers.
20. Whilst I have concluded that the proposal would not cause a material reduction in levels of daylight reaching No 14's rear windows, for the reasons outlined above, the proposal would have an adverse effect on the living conditions of No 14's occupiers with regard to reduced levels of sunlight and harm to outlook. It would therefore conflict with Policy BE3 of the LP and the NPPF which together seek to ensure that the amenities of neighbouring occupiers are protected.

Planning Balance and Overall Conclusion

21. The proposed development would be inappropriate development in the Green Belt which, by definition, would be harmful to the Green Belt. In addition, there would be moderate harm to openness, and substantial weight should be given to these harms. It would adversely impact the character and appearance of the host dwelling and the surrounding area and would have a harmful effect on the living conditions of the occupants of No 14 with regards to a loss of sunlight and harm to outlook. There are no other considerations in this case that have been put forward by the appellant that would outweigh the substantial harm I have identified. I conclude, therefore, that there are no very special circumstances to justify the development and it would be contrary to the NPPF and Policies DS18, BE1 and BE3 of the LP.

Recommendation

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Sarah Housden

INSPECTOR