



Appeal Decision

Site visit made on 07 March 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2023

Appeal Ref: APP/J3720/D/22/3305379

Mulberry Croft, Birmingham Road, Bishopton, Warwickshire CV37 0RN

- 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 Powles against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/01417/FUL, dated 10 May 2022, was refused by notice dated 05 July 2022.
 - The development proposed is replacement single storey rear extension. Erection of new single storey side extensions. Raise existing shallow pitched roof with new pitched roof increasing ridge height by approximately 1.5 metres and creating new dormer windows to front and rear. Resubmission of application 21/01896/FUL.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made against Stratford-on-Avon District Council by the appellant. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - The effect on the character of the surrounding area; and
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The appeal site is a dwelling which is situated in the Green Belt. The National Planning Policy Framework (the Framework) identifies that the essential characteristics of Green Belts are openness and permanence, and 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.

5. The proposal includes the alteration and extension of an existing single storey dwelling. The Framework advises at paragraph 149 that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to exceptions, one of which 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 Core Strategy 2011 to 2031 (2016) (LP) also states that planning permission will be granted for a small-scale extension or alteration of a building in the Green Belt.
6. In the context of the Framework the glossary advises that 'original building' refers to a building as it stood on 1 July 1948 or as constructed if built after that date. The term 'disproportionate' is not defined in the Framework and 'small scale' is not defined in the LP. The supporting text to LP policy CS.10 advises that the cumulative effect of the proposed scheme together with previous development on the site will be taken into account and the extension should not result in a building disproportionately larger than the original building.
7. The proposal would involve the removal of an existing extension and outbuildings. The main parties disagree on the volume increase created by the proposal. The appellant's calculations of the existing property include the existing extension, however there is no evidence that this forms part of the original building as defined in the Framework. Taking this into account the proposal would result in a volume increase of 32.2% of the original building. This would represent a disproportionate addition to the original building and would not be small in scale.
8. Furthermore, the proposal results in alterations to the roof form which would raise the overall ridge height on the property by approximately 1.5 metres and introduce greater bulk within the roof slope through the introduction of dormer windows. The volume of the new building would be disproportionately increased by these alterations and thus would not be small scale.
9. For the reasons given above I conclude that the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies. The proposal would result in disproportionate additions to the dwelling and would therefore conflict with policy LP policy CS.10 and would not be an exception to new buildings in the Green Belt under bullet point three in paragraph 149 of the Framework. Paragraph 147 of the Framework advises that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances.

Effect on the openness of the Green Belt

10. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal would add increased bulk and massing to the existing building and would result in an increase in the height of the dwelling. Thus, the extended building would be larger and bulkier than the original bungalow and indeed the existing. Whilst it is partly screened from the main road and surrounding fields by vegetation, this does not totally obscure views of the building from neighbouring properties

and land and the road. Thus, the proposed extension would result in a reduction in the openness of the site. The screening would to some extent reduce this impact, but not remove it. I therefore attach moderate harm to the impact on the openness of the Green Belt resultant from the development. Paragraph 148 of the Framework advises that substantial weight is given to any harm to the Green Belt. Therefore, although the effect is moderate this is to be given substantial weight.

Character of the surrounding area

11. The appeal site is bordered by the A3400 along its western boundary. Gently rolling agricultural fields of varying sizes enclosed by mature vegetation surround the appeal site. There are a limited number of dwellings in the local area, and I was unable to identify a particular local vernacular during my site visit. Consequently, the surrounding area is of a rural and varied character.
12. The appeal site lies within the Arden Special Landscape Area (SLA). Whilst I have not been provided with any details of the particular characteristics of this SLA, nonetheless the Council's officer report summarises the key management recommendations for the SLA which include restricting development to that which reflects the vernacular style, scale, pattern and materials.
13. From my observations during my visit, the appeal site is seen in the context of the commercial garage to the south of the site, other nearby built form and the highway, which forms part of the site setting and which I observed limited the scenic quality of the surrounding area.
14. The proposal would increase the height of the dwelling which would become more prominent when viewed from the road. Nonetheless, this increase in height would be read in the context of other buildings which are visible from the road. Additionally, the proposed materials and design of the extension would be consistent with the varied local vernacular.
15. I have been presented with no particular evidence that the proposal would conflict with the key management recommendations for the SLA or detract from the rural and open character of the surrounding area. I therefore find no conflict with those aims of LP policies CS.5, CS.9, CS.12 or CS.20 which seek to achieve high quality design, protect landscape character and the high landscape quality of the SLAs and ensure that extensions are of an appropriate scale taking into account the site location.

Other considerations

16. The appellant has indicated that extensions which could be carried out under householder permitted development rights as established by a Lawful Development Certificate (LDC)¹ would have a similar physical form and would thereby have a similar impact upon the openness of the Green Belt. Whilst I have not been provided with the full details of this LDC, there is no dispute between the main parties that it could be implemented. However, the Council comment that this proposal did not increase the height of the roof or incorporate dormer windows and thus would have less impact upon the openness of the Green Belt than the appeal proposal. Based on the information before me I see no reason to take a different view. Therefore, if the LDC

¹ As established by Lawful Development Certificate 14/01284/LDP

proposal were implemented, it appears that it would be less harmful to the openness of the Green Belt. I therefore give limited weight to this decision.

17. The appellant states that an upwards extension which could be carried out under Class AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 could increase the height of the dwelling by up 3.5 metres, and this would have a greater impact on the openness of the Green Belt than the appeal proposal. One of the conditions of Class AA is that before beginning the development, the developer must apply to the local planning authority for prior approval. I have not been made aware of any prior approvals which have been granted for extensions under Class AA at the appeal property and I cannot be certain that such approvals would indeed be granted. Thus, it has not been appropriately evidenced that there is a reasonable prospect of such an extension being implemented. I therefore give limited weight to this as a fallback position.
18. The appellant puts forward that the proposal would add visual interest to the front elevation of the dwelling. Whilst this may well be the case, it carries limited weight in the Green Belt balance.

Planning Balance and Conclusion

19. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to advise that very special circumstances will not exist unless any potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
20. I attach substantial weight to the harm to the Green Belt by virtue of the fact the extensions are inappropriate development and the harm it has to the openness of the Green Belt, as I am required to do by the Framework. The conclusion on the effect on the character of the SLA is a neutral factor which does not affect the Green Belt balance.
21. I find in this case that the other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
22. Therefore, for the reasons given above, the appeal should be dismissed.

Nichola Robinson

INSPECTOR