



Appeal Decision

Site visit made on 7 March 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/J3720/D/22/3303320

3 Barley Close, Church Lane, Snitterfield CV37 0LQ

- 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 and Mrs M Chew against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/03299/FUL, dated 13 October 2021, was refused by notice dated 27 April 2022.
 - The development proposed is to demolish an existing single storey conservatory and raised decking. Replace with a part two storey, part single storey extension and lowered decking area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant refers to amended plans which were submitted during the course of the planning application. I have been supplied with a copy of these amended plans. However, I cannot be certain that all interested parties have had the opportunity to consider these amendments. As the appeal process should not be used to evolve the design of a scheme, I have, therefore, determined the appeal on the basis of the plans considered by the Stratford-on-Avon District Council.

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 and appearance of the surrounding area including the Snitterfield Conservation Area and the setting of The Dower House, a grade II listed building;
 - The effect on the character of the Arden Special Landscape 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 comprises a dwelling which is situated in the Green Belt. The National Planning Policy Framework (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.
5. The proposal includes the extension of an existing 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 appellants maintain that, as it was constructed as a single structure, 'the original building' relates to the entire row of terraced properties 1-3 Barley Close and not just the appeal property. Nonetheless, the term building is defined in Section 336 of the Town and Country Planning Act 1990 and includes any structure or erection, and any part of a building. 1-3 Barley Close are 3 separate planning units, each of which comprise an individual building and I have not been provided with any compelling evidence that these 3 properties should be classed as one planning unit or building. Thus, for the purposes of paragraph 149 of the Framework, the term 'original building' refers to the appeal property and not the row of terraced properties.
7. The Framework does not define what it means by disproportionate, and the term 'small scale' is not defined in the LP. The supporting text to LP policy CS.10 advises that the extension should not cause material harm to the openness and character of the Green Belt or result in a building disproportionately larger than the original building. Similarly, the supporting text to the Snitterfield Neighbourhood Plan (2018) (SNP) policy BE3 advises that limited extension and alteration is supported providing it does not result in disproportionate additions over and above the size of the original building, which, for the purposes of Policy BE3, is defined as the building as it existed at the time when the Green Belt was established in 1975, or when built (if later). The supporting text goes on to state that cumulatively extensions should not normally exceed 30% of the volume of the original building, and proposals exceeding 30% must demonstrate Very Special Circumstances.
8. The proposal would involve the removal of an existing extension and porch and the erection of a part 2 storey, part single storey extension to the front, side and rear elevations. The appellant states that evidence points to the existing extension being built between 1950 and 1965 with an allowance of five years either side. On this basis it appears that this extension would be included in the calculation of the original building for the purposes of NDP Policy BE3 but it has not been evidenced that it forms part of the original building as defined by the Framework.

9. The main parties disagree on the volume increase created by the proposal. The Council calculate that it would result in additions of approximately 85% and the appellant states that the increase in volume within the appeal site is 41.4%. Whilst neither party have provided their calculations, based on the evidence before me the Council's calculation appears to be more accurate. Furthermore, I have not been presented with any compelling evidence that the proposal would not exceed 30% of the volume of the original building for the purposes of SNP policy BE3. Thus, it would represent a disproportionate addition to the original building, and indeed the building as it currently exists, and would not be small in scale.
10. For the reasons given above I conclude that the proposed development 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 LP policy CS.10 and SNP policy BE3 and would not be an exception to new buildings in the Green Belt under paragraph 149 of the Framework. Paragraph 147 of the Framework advises 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

11. 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, in particular at first floor level. The site is partly screened from the fields to the rear by vegetation and would be seen in the context of existing built form. Nonetheless, views of the proposed extension would be gained from neighbouring properties and from the road. In this regard the building would reduce the openness of the site. I consider that there would be moderate harm to 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 and heritage assets

12. 3 Barley Close forms part of a row of 3 terraced properties, each of which have a small porch to the front. The appeal property has been extended to the side elevation. To the rear the site overlooks an area of open countryside.
13. The site is located to the north of Dower House, a grade II listed building. I have been provided with the listing description for this property which sets out that it is a late 17th or 18th century house with an attached cottage and outbuilding with 19th century additions to the rear. The building appears to derive its significance from its architectural interest as a well-preserved example of a vernacular building of its type, and in the contribution the appearance of the building makes to the wider streetscape.
14. The main parties agree that 1-3 Barley Close once formed part of the estate of Dower House and was historically attached to the listed building, however there is disagreement between the main parties on whether the appeal site comprises a non-designated heritage asset. I have not been presented with any compelling evidence that the appeal property is a non-designated heritage

asset. Nevertheless, and though separated from the main house by a hedge and wall, the appeal site contributes positively to the setting of this listed building, in particular in views from Church Lane where the historical relationship between the appeal site and the attached cottage and outbuildings to Dower House can be appreciated.

15. The appeal site is located in the Snitterfield Conservation Area (CA), the boundary of which covers the historic core of buildings in the village. The SNP states that the historical development of the village has resulted in a unique blend of thoroughfares, green spaces and buildings with glimpses or views of open countryside. This, and the presence of trees and hedges within the street scene and private gardens gives the village a distinctive verdant and rural character that reflects the historic settlement pattern and appears to be a key part of its significance. The appeal site's relationship with Dower House and the open countryside make a positive contribution to the character of the area.
16. The scale and massing of the proposed extensions would be dominant in views from the street scene and would appear excessive in relation to the modest appeal property. The width and massing and fenestration to the front extension would dominate the front elevation of the property and wider row of terraces and would appear jarring in relation to the modest, traditional appearance of the appeal site and other properties in the row. Thus, the proposal would be an overly large and incongruous form of development which would not be sympathetic to the surrounding built environment.
17. The proposed extensions would bring built form closer to the attached cottage and outbuildings to Bower House, and the scale of the proposed front extension would appear incongruous in relation to the historic fabric and the modest scale of these buildings.
18. The proposed extensions would replace an existing conservatory which I observed did not make a positive contribution to the setting of Bower House or the character of the CA by virtue of its design and materials. Nonetheless, the proposal would result in a greater level of harm to these heritage assets than the existing structure, and thus any benefits of its removal would be outweighed by the harm identified above.
19. I have had special regard to section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that decision makers pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Further, Section 66(1) of the same act requires that, when considering planning proposals, decision makers should have special regard to the desirability of preserving listed buildings or their settings. For the aforementioned reasons I find that the proposal would result in harm to the setting of Bower House and the character of the CA. In the words of the Framework the proposal would lead to less than substantial harm, although it would nonetheless be significant. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There would be limited economic benefits during construction but there is little substantive evidence that either this, or the primarily private benefits of the proposal, would be sufficient to outweigh the harm that I have found. Conflict therefore arises with the historic environment protection policies in the Framework.

20. For the reasons set out above I conclude that the proposal would harm the character of the CA and the setting of Bower House. It would be contrary to those aims of LP Policies CS.8, CS.9 and CS.20 and SNP policies BE1, BE3 and BE7 which seek, amongst other matters, to protect and enhance the historic environment, ensure high quality design which responds to local character and ensure that extensions are of an appropriate scale, building form and shape. I also find conflict with the Framework which requires that great weight should be given to the conservation of heritage assets.

Character of the Arden Special Landscape Area

21. The site is located in the Arden Special Landscape Area (SLA), the character of which the Council state would be harmed by the proposal. LP policy CS.12 states that development proposals relating to settlements that lie within a SLA must respect the current and historic relationship of that settlement within the landscape. Whilst I have not been provided with any details of the particular characteristics of this SLA, I note that the appeal property would retain a similar relationship with the open countryside to the rear of the site and the proposal would not bring built form any closer to it. Thus, the proposed extension would not compromise the visual qualities of the open countryside to the rear of the site or harm the character of the SLA.
22. Thus, for the reasons set out above, I find that the proposal would not harm the character of the Arden SLA. Therefore, I find no conflict with those aims of LP Policy CS.12 which seek to protect the high landscape quality of SLAs.

Other considerations

23. There would be economic benefits during construction, however, given the scale of the development this carries limited weight.
24. I note that the appellants are dissatisfied with the Council's handling of the application and their alleged failure to engage or accept amended plans which the appellants consider could have overcome the reasons for refusal. As set out above these amended plans do not form part of this appeal, however, I have not been presented with any compelling evidence that these amendments would amount to very special circumstances which could overcome the that I have identified.
25. The appellants have referred to other permissions for extensions in the Green Belt, which, it is stated, were allowed under very special circumstances, some of which incorrectly calculated the volume increases for extensions. I have not been provided with the full details of these proposals or the reasons why very special circumstances were applicable in these cases, and I am therefore unable to draw comparisons with the appeal proposal.
26. The appellants have supplied the Officer Report¹ and decision for an appeal² in which it is stated the Council incorrectly calculated the volume increase of an extension and which, it is stated, supports their position that the Council have incorrectly interpreted the policies in relation to volume increases. Nonetheless, I am not familiar with the details of that case, and it does not present me with compelling evidence that the Council has incorrectly calculated the volume increase in this case. Furthermore, whilst the Council have referred to 'dwelling'

¹ 20/01835/FUL

² APP/J3720/D/20/3261015

in parts of their delegated report, rather than 'building', ultimately, I have found that the relevant policies, including LP policy CS.10, SNP policy BE3 and the Framework, have been applied correctly.

27. I note that the occupants of Dower House did not object to the proposal. However, this does not in itself render the proposal acceptable.

Planning Balance and Conclusion

28. 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. I also attach substantial weight to the harm to designated heritage assets including the character of the CA and the setting of Bower House.
29. For the reasons set out above, the harm to the Green Belt, and to designated heritage assets, would not be clearly outweighed by the other considerations. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
30. Consequently, for the reasons given, there would be conflict with the Development Plan when read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR