



Appeal Decision

Site visit 25 April 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/T3725/D/22/3306791

12 Sabin Drive, Weston Under Wetherley, Warwickshire CV33 9GA

- 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 Gareth Williams against the decision of Warwick District Council.
 - The application Ref W/22/0608, dated 7 April 2022, was refused by notice dated 30 June 2022.
 - The development proposed is a two storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Whether inappropriate development

3. Policy DS18 of the Warwick District Local Plan 2011-2029, September 2017 (LP) states that the Council will apply national planning policy to proposals within the Green Belt. This is set out in the National Planning Policy Framework (the Framework) and advises that new buildings in the Green Belt are inappropriate development save for exceptions listed in paragraph 149. These include 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. The Framework does not elaborate on how proportionality should be measured but does define 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

4. Policy H14 of the LP relates to extensions to dwellings in the open countryside, and states that they will be permitted subject to a number of criteria, unless they result in disproportionate additions to the original dwelling. The supporting text at paragraph 4.95 explains that as a guide for houses within the Green Belt, an increase of more than 30% to the gross floor space of the original dwelling is likely to be considered disproportionate. It is explicit that this should take into account any previous extensions. Hence, policy H14 aligns with the approach in paragraph 149c of the Framework and expands further as to how disproportionality should be judged. It is also clear that both national and local policy require such an assessment to consider the cumulative impact of additions relative to the original dwelling.
5. There is no dispute that 12 Sabin Drive lies within the Green Belt and is in the open countryside for the purposes of the LP. However, the parties disagree as to whether the appeal proposal should be considered a disproportionate addition to the original building.
6. Limited detailed analysis of the size of the proposal relative to the original dwelling has been provided as part of the submission, but drawings showing the existing and proposed dwelling are supplied, with some of the annotations giving floor area figures. In addition, copies of drawings for some of the planning history at the appeal site have been included as part of the appellant's appeal statement.
7. The planning history includes a certificate of lawfulness dated 17 March 2020 (reference W/20/0171) granted for the erection of single storey ground floor side and rear extensions, the conversion of loft space involving changing the hipped roof to a gable and the creation of two dormer windows. The appellant explains that of these various elements, to date the single storey rear extension has been carried out, which is consistent with the 'existing' floor and elevation plans. Moreover, given concerns regarding available headspace, it seems unlikely that the loft conversion covered by the certificate will be pursued.
8. The submitted drawings state that the 'existing original floor area' amounts to 105.4m². As similar measurements are given for the ground and first floor area, it is reasonable to deduce that this measurement does not include the recent single storey rear extension. A combination of my observations and absence of evidence to show otherwise, leads me to find that the measurement would probably reflect the floor area of the dwelling as it was originally built.
9. The Council state that together with the extensions granted in 2020, the proposal would result in a 38% increase in floor area over and above that of the original dwelling'. However, little detail is given as to how this figure was arrived at. Nevertheless, it has not been directly disputed by the appellant.
10. Furthermore, the floor area of the proposed two storey side extension is stated to be 31.5m². The appellant points out that this would be lower than 30% of the original floor area. Be that as it may, this calculation does not take into account the rear single storey extension, which according to the plans for W/20/0171 measures approximately 3m by 8m. When the cumulative additional floor area of the rear extension and proposal is considered, this would result in a floor area considerably in excess of the 30% gross floor space guide given for policy H14 of the LP.

11. Whilst the 30% is intended as guidance, thus leaving some room for flexibility, the proposal together with the previous rear extension would cumulatively surpass a reasonable margin of tolerance. As such, the proposal would lead to a disproportionate addition in the Green Belt as defined in the LP.
12. I am mindful that the Framework refers to size rather than just floorspace and consequently, this encompasses the consideration of volume and external dimensions. The proposed two storey side addition would materially add volume and massing to the south-western side of the property. When taken together with the extension that has already taken place, this would result in an increase in size disproportionate to the original building. Therefore, it would amount to inappropriate development in the Green Belt.

Openness

13. Although there are other buildings nearby, the appeal site is on the periphery and is in a predominantly rural and open setting. The dwelling is a semi-detached two storey dwelling, and the two storey side extension would add volume and length to the south western end of the house towards a spacious open area. My observations were that glimpses of the proposal would be seen from some vantage points along Sabin Drive, and this is generally reinforced by photographs provided by the appellant¹. It would also be discernible from the grounds of the adjacent village hall.
14. Consequently, the appeal proposal would notably increase the size of the building overall, thereby having an adverse spatial and visual impact upon the openness of the Green Belt. I find the proposal would result in limited harm to the openness of the Green Belt.

Other considerations

15. The appellant contends that had the proposal been submitted prior to the rear single storey extension being built, then the proposal would have fallen within the floor space guidelines outlined in the development plan. He submits that, that being the case, the rear extension could subsequently have been built under permitted development rights. Hence, he asserts that it is only a question of phasing, owing to poor advice and a series of unfortunate external circumstances, that has led to the refusal.
16. However, this assumes that the Council would have found the proposal in isolation to be acceptable. Moreover, it further assumes that being so, they would not have sought to limit permitted development rights in granting such a consent, notwithstanding the existence of a certificate of lawfulness denoting alternative extensions to the dwelling. I consider such assumptions to be unsoundly reasoned, and the conclusions are not supported by firm evidence. Consequently, I give it little weight in favour of the proposal.
17. In support of the proposal, the appellant considers the addition would form part of an aesthetic improvement and physical upgrade to the dwelling, that would provide a benefit to accommodating his growing family and improve energy efficiency. Given the modest extent of these benefits, these factors attract limited positive weight.

¹ Page 6, Appellant's Planning Appeal Statement of Case

18. The personal circumstances of the appellant and his family are also outlined. However, it is a basic tenet that planning merits primarily concern land use matters rather than personal ones. Hence, although I have no doubt that the appellant and his family derive enjoyment from living at the appeal site and make valuable contributions to the local community, as such matters are individual and transitory, they have little bearing on my determination.
19. It is highlighted that the Council did not raise concerns regarding the effect of the scheme on the rural character and appearance of the area. Neither is there any suggestion that harm would result to the living conditions of neighbours, which is reinforced by the general support for the scheme expressed by the adjoining residents detailed in the appellant's submission. However, these are matters that would be required to satisfy other local and national planning policies. Hence, the absence of harm in these respects is a neutral factor.
20. Reference is also made to interventions the appellant has already undertaken to encourage biodiversity at the appeal site, but there is no indication that these were directly predicated upon the proposal before me succeeding. Therefore, this is not a matter that attracts weight in relation to the proposal before me.
21. The appellant refers to the emerging South Warwickshire Local Plan and includes extracts from what is ostensibly a consultation document. This includes reference to an area of Green Belt at Weston under Wetherley as an option under consideration for future growth. It goes on to list relevant key strategic issues. The extracts provided indicate the general, wide ranging content of the document which point to an early stage of local plan preparation rather than providing any firm policies. Moreover, Weston under Wetherley is one of many settlements listed under the options for growth. Given its limited status, it has little bearing on my determination.
22. My attention has also been drawn to various existing extensions and developments in Weston under Wetherley which the appellant considers to have had a similar or greater impact on the Green Belt. The first relates to residential development at a former hospital site. However, this redevelopment of a major site represents a wholly different scale of proposal than the appeal scheme. It would not have been assessed against the local and national green belt policies relating to an extension or alteration to an existing building and therefore, is of little relevance.
23. Various other developments and planning references are listed², which aside from Lone Wood are within reasonable proximity to the appeal site. The limited evidence provided generally suggests that planning permissions have been granted to extend a range of domestic properties. However, there is no accompanying analysis articulating the size of the developments permitted relative to the size of the original dwelling in each case. Moreover, there is little explanation of the timing, prevailing policy context or relevant background to those applications. This inhibits a meaningful comparison with the appeal scheme, and consequently, it is not clearly shown that any are directly comparable. Hence, I attribute limited positive weight to these examples.

² 1 Bostock Crescent W/09/1349; Westfield House W/15/0822; End Property St Michael's Close; The Old Forge W/20/1627; 16 Alderman Way W/14/0965, W/04/0013, W/09/0992 and Lone Wood W/21/1122.

Green Belt balancing exercise

24. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal would amount to inappropriate development, and limited harm would be caused to the openness of the Green Belt, which attracts substantial weight. Whilst other considerations advanced by the appellant have been considered, even taken together they garner only limited positive weight.
25. Accordingly, I find that the other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.
26. Therefore, the proposal would constitute a disproportionate addition that would conflict with policy H14 of the LP. Furthermore, it would be contrary to policy DS18 of the LP whose principal objective is to protect the Green Belt from inappropriate development in line with the national policy in the Framework.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

INSPECTOR