



Appeal Decision

Site visit made on 28 March 2023

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/E3715/D/22/3303907

Trickle Brook, Smeaton Lane, Stretton Under Fosse, Rugby CV23 0PS

- 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 Ms Tania Reid against the decision of Rugby Borough Council.
 - The application Ref R22/0159, dated 16 February 2022, was refused by notice dated 3 May 2022.
 - The development proposed is described as 'Single storey extension for bedroom, ensuite and store'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension for bedroom, ensuite and store at Trickle Brook, Smeaton Lane, Stretton Under Fosse, Rugby CV23 0PS in accordance with the terms of the application, Ref R22/0159, dated 16 February 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21 20 04b and 21 20 05.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The finished floor level of the proposed extension shall be no lower than the existing floor level of the existing dwelling.

Main Issues

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

Reasons

Whether inappropriate development

3. 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. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception being 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.
4. Policy GP2 of the Rugby Borough Council Local Plan 2011-2031 adopted June 2019 (LP) sets out that development in the Green Belt will be allowed only where it accords with national policy.
5. The appeal relates to an extension to the side of the existing single storey dwelling to provide a bedroom, wet room and store required by the appellant due to reduced mobility needs which means they need wheelchair accessible accommodation.
6. There is disagreement between the parties as to the overall increase in size of the existing building, the Council suggest the proposal would represent a 67% increase whereas the appellant suggests a 46% increase. Even if I were to accept the appellant's lower figure, there is no apparent basis in policy for such a large extension to be considered not inappropriate.
7. I note the appellant's view that the size of the extension in isolation is not the only relevant factor and an assessment of the scheme having regard to the site context and the specific characteristics of the host building and the proposed extension is more appropriate. However, even looking at matters beyond a numerical assessment the addition would appear as a sizeable extension to the original building. Whilst the extension is relatively small in terms of volume, it would appear as a substantial addition to the existing dwelling which is modest in size. Moreover, the relevant part of Green Belt policy indicates that, regardless of the size of the building in question, the issue is whether the extension would be a disproportionate addition to it.
8. I conclude therefore that the proposal would constitute a disproportionate addition over and above the size of the original dwelling. It would not fall within the exceptions listed at para 149 of the Framework and would be inappropriate development in the Green Belt. The proposal therefore fails to accord with LP Policy GP2 and the protection of the Green Belt objectives within the Framework.

Effect on openness

9. The concept of Green Belt openness has both spatial and visual aspects. The proposed extension would be located to the side of the existing dwelling. At the time of my site visit the land on which the extension would be located was free from built form but had an area of hardstanding.
10. The proposal would increase the built form of the existing building, extending beyond the existing envelope of the building into an area currently free from

built development. Whilst the open nature of this part of the site would be undermined by the bulk of the extension, the reduction in the openness and subsequent harm to the Green Belt would be limited due to the siting and relative limited visibility of the extension.

11. With regards to the visual impact to openness, notwithstanding the scale of the extension, it would still be visible from the highway, as well as from the open countryside beyond the site. However, due to the size and siting of the development, which would be viewed against the backdrop of the existing development at the site, it would have a limited effect on the openness of the Green Belt in visual terms.
12. In light of the above considerations of the spatial and visual effects, I find that the proposal would result in limited harm to the openness of the Green Belt. In accordance with paragraph 148 of the Framework substantial weight is given to any harm to the Green Belt.

Character and appearance

13. The appeal property lies at the end of a row of ribbon development characterised by detached dwellings of a range of designs and sizes, sited on spacious plots. It is a modest single storey dwelling with an L shaped footprint and is set back further from the lane to the front than the neighbouring dwellings in the row, which creates a pleasant sense of openness to this part of the lane.
14. The proposed simple form and design of the extension would reflect that of the existing property and would also be finished in materials consistent with the existing dwelling. Furthermore, the extension would be lower in height than the host dwelling and as such would appear as a subservient addition despite its length in relation to the existing building. Although the addition would be visible in views of the site from the highway, due to the overall scale and distance between it and the road it would not appear as an unduly prominent feature in the streetscape.
15. As such the proposal would represent a sympathetic addition to the host dwelling and would not result in harm to the character and appearance of the area. Consequently, it would accord with LP Policies GP1 and SDC1 which collectively seek sustainable development that responds to the character of the area, as well as the sustainable development aims of Section 2 of the Framework. The second refusal reason also refers to LP Policy GP2, however this sets out the settlement hierarchy in relation to the location of new development and is therefore not determinative to this main issue.

Other considerations

16. The evidence before me explains the reasons for the extension and that the proposal would provide more accessible accommodation for the appellant who has mobility issues due to a medical condition. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which includes disability. The effect of not granting planning permission may result in the appellant having to move elsewhere.
17. I note the appellant's desire to carry on residing at the family home and that the property includes a smallholding where she wishes to continue to work for

as long as possible. The proposed extension is essential to meet the specific needs of the appellant given the constraints of the existing dwelling. Taking account of the need for manoeuvring space for a wheelchair, as well as a seating area for visitors such as medical professionals and storage for a mobility scooter, I find the extent of the proposed accommodation is not excessive.

18. I am satisfied that the scale of the proposed development is therefore the minimum necessary to achieve the benefit and solely to meet the needs of the appellant. Furthermore, there is no alternative means of meeting the need given that there is limited scope to adapt the existing dwelling internally given its modest size and the existing internal layout. As such I give great weight to the need for the proposal to provide accessible accommodation due to the personal circumstances of the appellant.
19. In light of the above considerations, I find that the need for the extension in this case would clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness. As such it would amount to very special circumstances to justify the development.

Other Matters

20. Whether or not flooding at the neighbouring property is a consequence of the raising of ground levels which may have taken place at the appeal site, is not a matter for consideration as part of the appeal before me, which is to be assessed on its own individual merits. Moreover, there is no substantive evidence that any mitigation measures would be required as part of the proposals, in order to ensure that the development would not exacerbate flooding in the locality.
21. It has been suggested that the appellant may be seeking to circumvent the planning system through the submission of numerous planning applications, but I have considered this proposal on its planning merits. Moreover, any further applications would also be subject to due consideration with regard to the development plan and any prevailing material considerations at that time.

Conditions

22. In addition to the standard commencement condition, a condition is necessary to require the development to be carried out in accordance with the approved plans in order to provide certainty. A condition relating to materials is also necessary in the interests of the character and appearance of the surrounding area. In order to ensure that the extension would be no more vulnerable to flooding than the existing dwelling, a condition is also imposed regarding the finished floor level of the development.

Green Belt Balance and Conclusion

23. The proposal would constitute inappropriate development in the Green Belt. By definition, this would be harmful to the Green Belt and the Framework indicates that such harm should be given substantial weight. I have also given substantial weight to the adverse impact on the openness of the Green Belt.
24. However, I find that the other consideration identified in this case clearly outweighs the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development in

the Green Belt. The proposal would therefore accord with Policy GP2 of the LP and the Green Belt aims of the Framework which support development in such circumstances. For these reasons the appeal is allowed.

Emma Worley

INSPECTOR