



Appeal Decision

Site visit made on 20 June 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2023

Appeal Ref: APP/T3725/D/22/3309651

209 Old Warwick Road, Lapworth, Solihull, West Midlands B94 6HN

- 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 Fina Mann against the decision of Warwick District Council.
 - The application Ref W/22/0869, dated 23 May 2022, was refused by notice dated 22 August 2022.
 - The development proposed is 2 storey side and rear extensions and increase height of main roof.
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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;
 - The effect on the character and appearance of the appeal property and the surrounding 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 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.
4. 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 DS18 of the Warwick District Local Plan 2011-2029 (2017) (LP) confirms

that the Council will apply national policy to proposals within the Green Belt.

5. The term 'disproportionate' is not defined in the Framework, however the supporting text to LP Policy H14 states that the Council will consider each case on its merits, though as a guide, in the Green Belt additions that represent an increase of more than 30% to the gross floor space of the original dwelling are likely to be considered disproportionate.
6. The proposal would involve the erection of a 2 storey side extension, a single storey rear extension and an increase in the height of the dwelling. The main parties agree that the proposed extensions would represent a volume increase of 111% of the original building. This would represent a disproportionate addition to the original building.
7. 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 LP Policies DS18 and H14 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 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

8. 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 dwelling. Whilst there is some vegetation to the site boundary, nonetheless the appeal site is clearly visible from the road and surrounding area. Thus, the proposed extension would result in a reduction in the openness of the site. I 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 and appearance

9. The appeal property comprises a 1½ storey dwelling which forms the end property in a small row of terraced dwellings. Dwellings within the row are of a similar cottage design, with a porch and small garden to the front elevation and appear to have undergone limited alterations and extensions. Dwellings within the row are elevated above and set back from the adjacent highway. Planting within front gardens and surrounding grass verges contributes to a green and verdant rural character to the area. Whilst the appeal property is smaller than the other dwellings in the row, and contains a large garden to the side elevation, nonetheless, it is similar in appearance and layout to these dwellings and the collective and largely unaltered appearance of this row of cottages makes a positive contribution to the character and appearance of the area.
10. The proposal would result in the increase in the height of the appeal property, removal of the front porch and erection of a 2 storey extension to the side.

Whilst the rear elevation of the extension does not contain any windows, there would be limited public views of this elevation and thus this fenestration arrangement would not result in harm to the character and appearance of the appeal property or the surrounding area. Furthermore, the increase in the height of the appeal property would bring the overall height of the dwelling in line with that of the neighbouring property.

11. Nonetheless, the side extension would exceed the width of the existing property, would not be set down at eaves level and would provide only minimal set down at ridge level. Thus, the proposed extension would fail to achieve any degree of subservience to the appeal property. Consequently, the extension would appear excessive in scale and would dominate the appeal property. Furthermore, the removal of the front porch and the scale of the extension would result in a form of development which would be inconsistent with the largely unaltered dwellings in this row.
12. Overall, by virtue of its height, massing and design, the proposal would be a disproportionately large and incongruous form of development. It would not be sympathetic to the character and appearance of the appeal property, or the surrounding built environment and it would be visually obtrusive and prominent, dominating the appeal property and the row of dwellings in which it is located. Therefore, the proposal would result in harm to the character and appearance of the appeal property and the surrounding area, contrary to those aims of LP Policies BE1 and H14 which require that new development respects the character of the original dwelling and positively contributes to the character and quality of its environment through good layout and design. I also find conflict with the Residential Design Guide SPD (2018) (SPD) which has similar aims and requires that side extensions should be no more than 2/3 of the width of the original property and should achieve a set down of 225mm to ensure a subservient form of extension. I find conflict with the Framework which states that developments should be sympathetic to the surrounding built environment.

Other considerations

13. The appellant has indicated that extensions, including a single storey side extension and single storey flat roof outbuilding, which could be carried out under householder permitted development rights as established by a Lawful Development Certificate (LDC)¹ would have a greater impact upon the openness of the Green Belt. There is no dispute between the main parties that it could be implemented.
14. Based on the information before me the LDC would not increase the height of the host dwelling or extend the dwelling at 2 stories in height. Whilst occupying a greater footprint and thus appearing less physically contained, by virtue of its height this single storey extension and outbuilding would not appear as bulky or visually prominent when viewed from the road and the surrounding area and thus would have less impact upon the openness of the Green Belt than the appeal proposal. Therefore, if the LDC was implemented, it would be less harmful to the openness of the Green Belt. I therefore give limited weight to this decision.

¹ Lawful Development Certificate W/22/0150

15. The appellant has also indicated that the implementation of an extant permission for the extension to the dwelling² would result in a similar physical form and that this permission established the principle of an extension which increased the height of the dwelling and removed the existing porch. There is no dispute between the main parties that this permission could be implemented.
16. Based on the information before me there are some similarities in the design of the appeal proposal and this permission, namely in the palette of materials, increase in height of the dwelling, the amount of set down to the roof and the removal of the porch, and thus these elements of the design have been previously accepted by the Council. Nonetheless, the extant permission would result in an extension which is significantly smaller than the appeal proposal. Thus, by virtue of its disproportionately larger scale and bulk, the appeal proposal would have a more harmful effect on the character and appearance of the appeal property and the surrounding area. Therefore, if the extant scheme were implemented, it would be less harmful to the character and appearance of the appeal property and the surrounding area. Thus, whilst this decision establishes some support for some of the design components, it differs considerably from the appeal proposal and therefore I give limited weight to this decision.
17. The Council raised no objections to the proposal on grounds of highway impacts, ecology, or the effect on the living conditions of the occupiers of neighbouring dwellings and found compliance with the relevant local plan policies on these matters. I find no reason to take a different view. Nonetheless, compliance with these policies would be required in any case and thus these matters do not weigh in favour of the appeal.

Planning Balance and Conclusion

18. 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 moderate weight to the harm to the character and appearance of the appeal property and the surrounding area.
19. For the reasons set out above, the harm to the Green Belt, and to the character and appearance of the appeal property and the surrounding area, 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.
20. Consequently, for the reasons given, there would be conflict with the Development Plan. 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

² As established by W/22/0288