



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: 24 July 2023

Appeal Ref: APP/J3720/D/22/3307388

Cherry Trees, Broad Lane, Tanworth-In-Arden B94 5HX

- 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 Beverley Chaplin against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/01319/FUL, dated 29 April 2022, was refused by notice dated 13 July 2022.
 - The development proposed is described as "first floor front extension".
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor front extension at Cherry Trees, Broad Lane, Tanworth-In-Arden B94 5HX in accordance with the terms of the application, Ref 22/01319/FUL, dated 29 April 2022, 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: 3221-01, 3221-02, 3221-03, 3221-04, 3221-05 and 3221-08
 - 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) Prior to the first occupation of the development hereby permitted, the upper floor side facing windows on the east and west elevations of the dwelling shall be fitted with obscure glazing (minimum of Level 3 obscure glass) and shall be permanently retained in that condition thereafter.
 - 5) Prior to first use of the development hereby permitted, the sustainability measures set out within the Climate Change Checklist submitted with the planning application shall be incorporated into the development and site layout. Thereafter, the approved sustainability measures shall be retained and maintained.

Main Issues

2. The main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt; and
 - if the development is inappropriate, its effect on openness and 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 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 CS.10 of the Stratford-on-Avon Core Strategy 2011 to 2031 (2016) (CS) largely reflects the provisions of the Framework and states that planning permission will be granted for a small-scale extension or alteration of a building in the Green Belt.
5. The Framework does not define what it means by disproportionate. In the supporting text to CS Policy CS.10, it acknowledges that the Council previously applied a maximum 30% threshold relating to the scale of a house extension, but this no longer applies. It goes on to state that a specific maximum figure is in many senses arbitrary and a more appropriate means of maintaining openness is to consider proposals on a case-by-case basis, from the starting point that maintaining openness and preventing urban sprawl is of upmost importance.
6. The proposal would involve the erection of a first-floor extension to the front of the property. Cherry Trees is a large, detached dwelling which is well set back from the highway and set within a sizeable plot. Whilst the proposed extension would result in a cumulative volume increase of 61%, the proposed extension would be read in the context of a large property and appeal site and the open character to the site frontage would be retained. The extension would not increase the height or footprint of the existing dwelling or disrupt the balance of built form and surrounding space on the site and within the area.
7. For the reasons given above, given these site-specific circumstances, the proposed extension would not result in a building disproportionately larger than the original building and therefore would not comprise inappropriate development in the Green Belt having regard to the Framework. Thus, the proposal would accord with CS Policy CS.10 which sets out where permission would be granted for not inappropriate development in the Green Belt. The proposal would be an exception to new buildings in the Green Belt under paragraph 149 of the Framework.
8. As I have found that the proposal is not inappropriate development within the Green Belt, there is no requirement for me to consider whether it preserves the openness of the Green Belt.

Conditions

9. I have had regard to the conditions suggested by the Council in their appeal questionnaire, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and PPG, without altering their fundamental aims.
10. In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area, a condition is also necessary requiring external materials used in the construction of the proposed extension to match the existing dwelling.
11. In the interests of the privacy of the occupants of the neighbouring properties it is necessary to condition the installation of obscure glazing to the windows in the side elevations of the upper floor of the extension.
12. I have imposed the suggested condition relating to sustainability measures in order to support more sustainable living, in accordance with those aims of CS Policy CS.9.

Green Belt Balance and Conclusion

13. I have found that the proposal would not result in a disproportionate addition over and above the size of the original building and thus would not be inappropriate development in the Green Belt. As the proposal would not be inappropriate development in the Green Belt, and hence there would be no harm caused to it, it has not been necessary for me to take into account other identified considerations. In light of the above reasoning, and having regard to all matters raised, I conclude that the appeal should be allowed.

Nichola Robinson

INSPECTOR