



Appeal Decision

Site visit made on 17 July 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/J3720/D/22/3313701

Good Place, Poolhead Lane, Tanworth-In-Arden, SOLIHULL B94 5EH

- 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 Adil Abrar against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/01568/FUL, dated 23 May 2022, was refused by notice dated 16 November 2022.
 - The development proposed is the replacement of the existing conservatory with a smaller extension; construction of a timber-framed carport to front, and canopies and replacement balcony at rear; installation of external wall insulation and cladding to all external walls; alterations to windows, doors, dormers and rooflights.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Adil Abrar against Stratford-on-Avon District Council. This is the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the proposed extensions 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, with particular regard to the Arden Special Landscape Area (ASLA); and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

4. The appeal site is within the Green Belt. CS policy CS.10 states that the Council shall protect the Green Belt from inappropriate development unless very special circumstances can be justified. This policy includes a list of criteria of development deemed to be not inappropriate. At CS.10(b) the policy allows for

the addition of small-scale extensions or alterations of a building. The policy's accompanying explanatory text explains that small-scale extensions must not result in disproportionate extensions over and above the size of the original dwelling.

5. Paragraph 149, of the Framework, establishes that buildings in the Green Belt would be inappropriate unless they would meet a listed exception. Paragraph 149(c) explains that the extension or alteration of a building would not be inappropriate provided that it would not result in disproportionate additions over and above the size of the original dwelling. The Framework does not define 'disproportionate', this is therefore a matter of planning judgement. Furthermore, CS policy CS.10 is therefore consistent with the aims and objectives of the Framework.
6. The proposed extensions would consist of a car port to the frontage and a large canopy and extension to the rear. A wooden frame feature is also proposed within the rear garden, whilst this would be a pronounced feature, it would not form a connected structure. As such, the wooden frame would not be considered as an extension for the purposes of CS policy CS.10.
7. The Council's officer report estimates that previous extensions to the original dwelling have increased its volume by around 47% and that the proposed additions would increase this further to around 57%. The canopies would be permanent additions to the building that would increase its overall volume with further built form. Therefore, whilst these would be open sided, these and the rear extension would result in a tangible net increase to the size of the dwelling, despite the noted demolition. The scale of these proposed additions would, in combination with previous additions, exceed the original building by greater than half its original size. Although most of these additions are perceived as 'lightweight' to the Appellant, they could be later infilled and, in any event, would be additions of material substance.
8. The additions would be to the front and rear of the dwelling and would result in a net increase in the size of the building. These changes would generate a significant increase in the overall volume of the dwelling, contributing to the mass of this previously extended building. Accordingly, in combination with the previous additions, the proposal would be disproportionate to the size of the original dwelling.
9. As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 149 of the Framework, it would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. It would therefore conflict with the Council's policy outlined above.

Effect on openness

10. Considerations of openness have both visual and spatial aspects. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result.
11. The appeal dwelling is within a ribbon development consisting mostly of large houses within spacious grounds. Due to the dispersed settlement pattern, the built form conveys a strong sense of openness within the Green Belt setting. This context provides some views of the open countryside between the

dwelling from the public realm. Also, the rear of the dwelling is partially open to wider views from the surrounding Green Belt, due to partially exposed rear views of the golf course to the rear. As such, the proposed rear additions would reduce the site's openness and increase the size of the building. This would result in moderate visual and spatial harm to the openness of the Green Belt.

Character and appearance

12. Poolhead Lane is occupied by a ribbon development of dwellings within a countryside setting. The dwellings consist of a broad range of styles and scales of individual designs consisting of predominantly large decorative two storey dwellings. The appeal site consists of a dormer bungalow, although a little smaller than most neighbouring dwellings, this stands within relatively spacious grounds. Its design is traditional, but simple. It is recessed from the highway and behind planting. As a result, due to its simple design and subdued nature, the dwelling makes a largely neutral contribution to the character and appearance of the area.
13. The ASLA has a high landscape value, the site is within the 'Ancient Arden' area, a landscape character area where settlements of traditional rural character make a positive contribution to the quality of the area. The proposed rear and front extensions would be relatively minor and would be in keeping with the overall form and design of the existing dwelling. Furthermore, the front extension, whilst ahead of the immediate neighbouring front elevations, would be similar to other front projecting elements within the local streetscene, reflective of the noted staggered front building line.
14. The Council's advice¹ establishes 'good design' principles including with respect to the use of materials. This states that there should be a variety of details from house to house and that modern timber is encouraged. It states that any proposed cladding should be appropriate to its setting within a settlement. It also advises that mixing materials should be exercised with extreme caution favouring one principal external material. The proposed scheme includes the addition of vertical timber cladding, across the front and side elevations, with the rear finished in cedar shingle, creating a holistic design. Whilst brick and render finishes are more prevalent locally, I noted during my visit several examples where timber cladding featured as the main material. Therefore, the use of timber cladding, with a dark treatment, would complement the existing area, given the wide variety of existing locally employed materials.
15. The scheme includes the proposal to replace all windows with a black painted finish with an orange trim detail. The trim could be an overt and strident feature within the dark cladding of the front elevation and further details would be required to demonstrate that would not have a harmful effect on the appearance of the dwelling. Nonetheless, this matter could have been suitably addressed by the imposition of a planning condition had I been minded to allow the appeal.
16. Consequently, the proposed form and appearance of the scheme would integrate well with, and make a positive contribution to, the character and appearance of the area. As a result, the proposed alterations would also maintain the area's landscape character and would not contribute towards a general decline in its quality.

¹ Development Requirements, dated 2019

17. Accordingly, the proposed extensions and external alterations would accord with the landscape character and appearance of the surrounding area. Consequently, the proposal would accord with CS policies CS.5, CS.9 and CS.20 and Part E of the Council's Development Requirements SPD. These policies seek, among other matters, for development to have regard to the district's diverse landscape character and to positively contribute to local distinctiveness.

Other considerations

18. The Appellant identifies that the timber cladding is part of a low-energy strategy to install external insulation to the property, which include the addition of solar panels. The rear canopies would provide solar shading, to reduce overheating that is reported by the Appellant to occur in the summer. These measures are welcomed to assist in reducing the heat loss, power consumption and improve the thermal insulation of the building. Whilst largely private benefits, the measures would also combat climate change. As such, these measures would be of moderate merit in favour of the proposal.
19. The Appellant asserts that the property has Permitted Development (PD) Rights which present a viable alternative to the proposal. It is suggested that PD additions could add a sizeable rear extension. However, the dwelling has been subject to relatively substantial additions since its first erection, including an extension to the hall and kitchen area between the two original gable features and a roof addition that created first floor accommodation. Therefore, it is unconvincing that the full extent of PD Rights, as described by the Appellant, exist, and that such development would have a greater and more harmful effect on the openness of the Green Belt.

Whether there would be Very Special Circumstances

20. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
22. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. Although finding that the proposal would not harm the character and appearance an absence of harm in this respect can only be considered as neutral factor in the planning balance. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

23. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Ben Plenty

INSPECTOR