



Appeal Decision

Site visit made on 15 August 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/T3725/D/23/3322116

**Fernwood Lodge, Fernwood Farm, Rouncil Lane, Beausale, Kenilworth
CV8 1NN**

- 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 Iain Date against the decision of Warwick District Council.
 - The application Ref W/22/2034, dated 29 December 2022, was refused by notice dated 22 February 2023.
 - The development proposed is side dormer for loft conversion.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Iain Date against Warwick District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The description of development in the heading above has been taken from the planning application form which differs from that on the Council's decision notice.
4. In Part E of the appeal form it is stated that the description of development has not changed and neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, with due regard to the openness of the Green Belt;
 - The effect on the character and appearance of the host building and the area; and
 - Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

6. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt are inappropriate subject to a number of exceptions.
7. Paragraph 149(c) of the Framework sets out that one of these exceptions 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.
8. The appeal proposal relates to a small detached dwelling with a pitched roof. Based on the evidence before me, the building has previously been extended through the erection of a single storey rear extension.
9. The supporting text for Policy H14 of the Warwick District Local Plan 2017 (the Local Plan) sets out that, taking into account previous extensions, an increase of more than 30% to the gross floorspace of buildings within the Green Belt is likely to be considered disproportionate. The Council's officer report states that the previous extension represented an increase of 37% above the floorspace of the original building. The appeal proposal would further increase this. On that basis, the increase in floorspace created by the appeal proposal would be significantly greater than the figure set out in the Local Plan in respect of a disproportionate extension.
10. I am mindful that floorspace is not the only factor that can affect whether an extension would be disproportionate, and that the proposal would not increase the footprint of the building. Nevertheless, I have also had regard to the volume of the proposed dormer and the projection beyond the roof slope. Based on the evidence before me and my observations on site, it is clear that the proposal would contribute to a substantial increase in the volume and bulk of built development compared to the original building, and that this would represent a disproportionate increase in the size of the original building.
11. The proposal would increase the bulk of the building and would therefore harm the openness of the Green Belt. However, taken by itself, the dormer is of a limited scale and the harm to openness would be commensurately limited.
12. I therefore conclude that the proposed extension would be a disproportionate addition over and above the size of the original building. The proposal would therefore be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The proposal would also lead to limited harm to the openness of the Green Belt.

Character and Appearance

13. The appeal site is a small detached dwelling located within a cluster of buildings of a rural character set in the wider open countryside. Although the building is in residential use, it has retained its rural character and appears as an understated ancillary building which is subservient to this cluster of buildings. Due to its location adjacent to Rouncil Lane, the building is readily visible in views along the highway and is a prominent feature when viewed from entrances serving nearby buildings.

14. The proposed dormer would dominate one of the roofslopes of the dwelling. The scale and design of the proposal would detract from the understated rural character of the building and would lead to a dwelling of an inappropriate suburban appearance. Full-width dormers of the design proposed are not representative of this area, and the nearest dwelling contains individual gable dormers of a more suitable design. Within this context, the proposal would lead to a building of an awkward and incongruous appearance, and this harm would be exacerbated due to its prominent location.
15. I conclude that, due to its scale and design, the proposal would lead to significant harm to the character and appearance of the host dwelling and the area. The proposal would therefore be contrary to the design requirements of Policy BE1 of the Local Plan. The proposal would also conflict with the Framework which seeks to achieve well-designed places. The proposal would also be contrary to the advice of the Council's Residential Design Guide 2018 in respect of the design of roof dormers.

Other Considerations

16. A lawful development certificate has been issued for a dormer of an identical scale and design on the opposite roofslope of the dwelling. This represents a valid fallback scheme to the appeal proposal and I have had regard to it accordingly. The fallback scheme would be equally as prominent as the appeal proposal and would have an intrusive relationship with a nearby residential property.
17. However, it would be physically possible that both the fallback scheme and the appeal proposal could be implemented. This resulting development would significantly exacerbate the identified harm arising from the appeal proposal in respect of the Green Belt as well as character and appearance, and in effect would negate the consideration of the fallback scheme in support of the appeal.
18. The appellant has suggested a condition withdrawing permitted development rights for the building. But this would only come into effect once development of the appeal proposal commences, and the permitted development rights could therefore be exercised prior to the appeal scheme being implemented.
19. A further condition has been suggested requiring that any dormer window constructed under permitted development rights is demolished prior to the commencement of the appeal proposal. The suggested period for the commencement of the appeal development is 3 years. However, the Planning Practice Guidance states that a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. On that basis, I do not consider that such a condition could be relied upon to ensure that any existing dormer window is removed.
20. Drawing the above together, the fallback scheme does not weigh in favour of the appeal as this could be implemented separately from the appeal proposal. The suggested conditions would be potentially ineffective or unreasonable and they do not therefore lead me to a different conclusion on this matter.

Planning Balance and Conclusion

21. The proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the

Framework requires that substantial weight should be given to any harm. The proposal would also lead to limited harm to the openness of the Green Belt, as well as significant harm in respect of character and appearance. There are no other considerations which clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would conflict with the Framework in respect of protecting Green Belt land and would therefore be contrary to Policy DS18 of the Local Plan which seeks to apply national policy to proposals within the Green Belt.

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

David Cross

INSPECTOR