



Appeal Decision

Site visit made on 2 November 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/J3720/D/23/3322156

Cambrian, 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 Mr Jonny Morrall against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/02517/FUL, dated 5 August 2021, was refused by notice dated 21 March 2023.
 - The development proposed is two storey side extension, ground and first floor rear extension, loft conversion and porch.
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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 National Planning Policy Framework (the Framework) and any relevant development plan Policies;
 - the effect on the openness of the Green Belt;
 - the effect of the proposal on the living conditions of the neighbouring residents at 'Myskyns' with particular regard to outlook and daylight, and
 - whether any 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 at para 137 identifies that the fundamental aim of the Green Belt Policy is to prevent urban sprawl by keeping land permanently open. It goes on to state at para 147 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 para 149. One such exception 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.

4. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 – 2031 (CS) broadly conforms to the general thrust of national Green Belt Policy, stating that a small-scale extension or alteration of a building is not inappropriate in principle.
5. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgment.
6. The proposal would involve extensions at ground floor, first floor and roof level, to create additional bedroom and living accommodation. The full width ground floor extension would project considerably into the garden from the rear elevation of the original building, adding significantly to its footprint. The proposals would also increase the size and massing of both the first floor of the dwelling and its roof, resulting in significant additional bulk and mass at these levels. The appellant estimates that the proposals would result in an increase in the volume of the original dwelling of around 76.9%. Taken together, the proposed extensions amount to substantial additions to the property which would in my view be disproportionate over and above the size of the original building.
7. Consequently, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy CS.10 of the CS and the Framework which seek to avoid inappropriate development in the Green Belt.

Effect on openness

8. The extensions would inevitably lead to a loss of spatial openness through the increase in built form on the site. Furthermore, the side extensions at first floor and roof level would reduce the visual gap above ground floor, between the appeal property and the adjacent dwelling resulting in a loss of visual openness. The demolition of the existing single storey side extension would create a small gap between the buildings at ground floor level which would slightly off-set the loss of openness identified. Overall, the proposal would result in moderate harm to the openness of the Green Belt.
9. I acknowledge the conclusions of the submitted Landscape and Visual Statement that the proposal would have a negligible effect on the landscape and would visually complement the adjacent properties. However, this does not alter my findings in relation to the harmful effect of the development on the openness of the Green Belt.

Living conditions

10. The property to the west of the appeal site ('Myskyns') has a bedroom window on the side elevation at first floor. The proposed increase in the height of the eaves of the cat slide roof combined with the proposed two storey side extension would bring a flank wall to within close proximity of this window.
11. The solid nature of the wall, combined with its height, length and proximity to the window means that it would be overbearing in the outlook from this room resulting in a harmful impact upon its occupants.

12. The Daylight and Sunlight Report submitted by the appellant confirms that the daylight entering the bedroom window, following the development would be slightly below that recommended in the Building Research Establishment (BRE) guide¹. However, Part F of the Development Requirements SPD explains that daylight in bedrooms is generally less important than other habitable rooms. Furthermore, the daylight levels in this room are already compromised by 'Cambrian' in its existing form. Based on the evidence before me, I do not consider that the proposal would result in a significant effect on the living conditions of the occupants of 'Myskyns' with reference to daylight.
13. I conclude that the proposal would have a harmful effect on the living conditions of the neighbouring residents at 'Myskyns' with particular regard to outlook. It would therefore conflict with Policies CS9 and CS.20 of the CS and the Development Requirements SPD which together seek to ensure that proposals are sensitive to neighbouring uses and do not unacceptably detract from the amenities of any neighbouring property by reason of, amongst other things, overbearing impacts.

Other Matters

14. In support of the appeal the appellant has drawn my attention to the extensions at the adjacent property, 'Tower House', which are similar in form to the appeal proposal, although their overall volume and footprint is smaller. The Council say that these extensions were permitted in error. Whilst I acknowledge the appellant's frustrations in relation to this matter, I do not consider that the extensions at 'Tower House' should justify the further erosion of the openness of the Green Belt that would arise from the appeal proposal. I therefore attach limited weight to this matter.
15. I recognise that the proposal would provide significant benefits to the appellant and their family, however these personal circumstances carry limited weight.

Conclusion

16. I conclude that the proposal would be inappropriate and would result in a moderate harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. Furthermore, the proposal would have a harmful effect on the living conditions of neighbouring residents of 'Myskyns' with particular regard to outlook and I attach significant weight to this harm.
17. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
18. The proposal would not accord with the development plan and there are no material considerations to outweigh that finding. Consequently, for the reasons given the appeal is dismissed.

E Pickernell

INSPECTOR

¹ Site Layout Planning for Daylight and Sunlight – a guide to good practice (2022)