



Appeal Decision

Site visit made on 22 January 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2024

Appeal Ref: APP/T3725/D/23/3327076

13 Hall Close, Stoneleigh, Warwickshire CV8 3DG

- 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 Parminder Bal against the decision of Warwick District Council.
 - The application Ref W/23/0530, dated 6 April 2023, was refused by notice dated 22 June 2023.
 - The development proposed is the erection of first floor side extension, part two storey part single storey rear and side extension, timber cladding.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made both on behalf of the appellant and on behalf of the Council. They are the subject of a separate decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. However, the amendments therein do not alter the consideration of the main issues in this appeal.
4. In the interests of conciseness, I have taken the description of development as cited in the banner heading above from the Council's decision notice. This is consistent with the appeal form.

Main Issues

5. Having regard to the evidence, the main issues in this appeal 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 of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the appeal property and the surrounding area;
 - if the proposal is inappropriate development, whether the resulting harm and any other harm, is clearly outweighed by other considerations, to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

6. The appeal property comprises a semi-detached dwelling and lies within the Green Belt. Section 13 of the Framework establishes the national policy objective to protect the Green Belt and to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out several exceptions where development would not be inappropriate, one of which relates to the extension or alteration of a building. This applies on the proviso that the development would not result in disproportionate additions over and above the size of the original building. Policies DS18 and H14 of the Warwick District Local Plan 2011-2029 (Local Plan) are broadly consistent with the provisions of the Framework.
7. Whilst Policy H14 of the Local Plan relates to residential extensions in the open countryside, the supporting text confirms that the policy applies with equal measure within the Green Belt. The Framework does not define what is meant by disproportionate additions beyond a comparison between the original building, any built extensions, and the extent of what is proposed. However, the supporting text to Policy H14 indicates that proposals which represent an increase of more than 30% of the gross floor space of the original building are likely to be considered disproportionate.
8. The proposed development would see the modest 2 storey semi-detached dwelling extended to provide extensions to the side and rear of the appeal property, including considerable built form at first floor level. Even if I were to accept the appellant's lower estimate of 61%, this percentage increase is still indicative that the floor space of the resultant building would be significantly greater than the original building. Combined with the increased volume, I find that the proposal would amount to a disproportionate addition over and above the original building.
9. Accordingly, the appeal proposal would be inappropriate development in the Green Belt which, is by definition harmful. It would therefore conflict with paragraph 154 of the Framework together with Local Plan Policies DS18 and H14.

Openness

10. Openness is identified in the Framework as one of the Green Belt's essential characteristics and can be perceived both spatially and visually. In spatial terms, the loss of the undeveloped space at the rear of the appeal property together with the introduction of considerable built form at first floor level including the rear dormer window would significantly increase the floor space and volume of the appeal property. Moreover, the volume and scale increase would result in a significantly greater mass and visual bulk which would be particularly noticeable in the street scene and from neighbouring properties.
11. For these reasons, I find that the proposal would result in moderate harm to the openness of the Green Belt. This would add to the harm arising from the proposal being inappropriate development.

Character and appearance

12. The appeal comprises one half of a semi-detached property and lies within a residential cul-de-sac characterised mainly by semi-detached properties, most of which are of a similar scale, design, and appearance. The general consistency of the built form combined with the positioning of properties within their plots provides a sense of balance and regularity which positively contributes to the character and appearance of the area.
13. It is noted that the appeal scheme is of a reduced scale and massing compared to the previous scheme¹. The proposed first floor addition would be subservient to the appeal property whilst the external materials would be sympathetic to the appearance of the appeal property and the surrounding area. However, the convoluted building design formed of multiple additions of disjointed heights together with the angular ground floor projection would increase the bulkiness of the proposal such that it would overly dominate the the appeal property. Moreover, it would also disrupt the balance displayed at the rear of semi-detached dwellings.
14. In addition, the visual complexity of the proposal would be at odds with the general consistency and simplicity of the built form. As such, it would read as an incongruous and obtrusive form of development. Whilst visibility of the proposal would be limited from the road, its discordant form would be visible to occupiers of neighbouring dwellings from their rear windows and gardens, nonetheless.
15. Several neighbouring properties have been altered and extended. However, these extensions do not compare to the appeal proposal in terms of their overall scale. Indeed, none of the extensions that I observed at my site visit combined both 2 storey side and rear additions. Further, whilst individual elements of the proposal may be consistent with the Warwick District Council Residential Design Guide 2018 (SPD), as a whole, the proposal would be unacceptable.
16. Accordingly, I find that the proposed development would adversely affect the character and appearance of the appeal property and the surrounding area. The proposal would therefore conflict with Local Plan Policy BE1 where it seeks to ensure that proposals positively contribute to the character of the environment through good design and harmonises with existing built form. It would also be inconsistent with the Council's SPD. Whilst this pre-dates the Framework, it is nevertheless relevant to considerations of design and is consistent with the Framework in so far as it seeks to ensure that extensions relate to the design of the original building and enhance the overall design unity. Furthermore, the proposal would be inconsistent with the design objectives of the Framework.

Other considerations

17. Planning permission for a single storey rear and side extension² at the appeal site has been given by the Council. Although the ground floor elements of the 2023 scheme are markedly similar to the appeal proposal, the approved scheme does not include additions at first floor level. The appeal proposal would result in a cumulatively larger development, and by virtue of its overall

¹ W/21/1844

² W/23/0035

mass and form, it would have a greater visual and spatial presence than the permitted fallback and would reduce the openness of the Green Belt to a greater extent. As such, the permitted scheme is materially different and would not result in the same harm as the appeal proposal.

18. Were the appeal to fail, the appellant contends that the appeal property could be extended under permitted development rights. Indicative plans showing how this could be achieved have been submitted which show a combination of a 2-storey rear extension, a loft conversion including the creation of a flat roof dormer and the raising of the roof of the existing side extension. However, the fallback as indicated on the submitted plan would have a lesser depth and would be less prominent when view from the street due to the lack of visual bulk at first floor level (side).
19. Therefore, whilst noting that the increase in floor space would be marginally greater than the appeal proposal, the overall volume of the fallback would be less. It has been put to me by the appellant that this alternative scheme would be contrary to the design advice set out in the SPD and could potentially affect the living conditions of neighbouring occupiers. However, based on the evidence before me, I find that this would be a less harmful alternative. It therefore does not weigh in favour of the proposal.
20. Based on the email correspondence, it appears that the Council has permitted several extensions which are above the 30% increase. However, based on the evidence before me, I cannot be certain of the site-specific circumstances which may have justified the respective schemes. Nevertheless, the images provided show that the form of the extensions and associated visual mass and bulk differ to the appeal proposal despite the comparable increase. Thus, they do not strictly compare to the appeal proposal.
21. Further, I recognise that the General Permitted Development Order (the GPDO) has not withdrawn (in total or part) permitted rights in the Green Belt. Like No 15 Hall Close, properties in the locality could theoretically erect extensions which would conflict with Local Plan Policy H14. Be that as it may, the appellant does not seek to exercise permitted development rights. Development requiring planning permission needs to be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst mindful of the potential conflict, the evidence does not persuade me that the proposed development would be justified on this basis.

Other Matters

22. The proposal would not cause harm to living conditions, biodiversity, or highway safety. However, these are neutral factors and neither weigh in favour nor against the proposal.
23. I have had regard to the appeal decision relating to 75 Park Lane³. Unlike the appeal proposal, the Inspector found that the proposal was not in appropriate development in the Green Belt. As the relevant exception set out within the Framework applied, there was no need to consider other harm to the Green Belt, including its effect on openness. This however is not the case here.

³ APP/X1925/W/19/3235977

Green Belt Balance and Conclusion

24. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful. The appeal proposal would constitute inappropriate development in the Green Belt, which carries substantial weight. As well as harm by reason of inappropriateness, the proposal would cause a harmful loss of openness, thereby adversely impacting one of the essential characteristics of the Green Belt. I attribute moderate weight to the harm caused in this respect. It would also be harmful to the character and appearance of the area.
25. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

H Wilkinson

INSPECTOR