



Appeal Decision

Site visit made on 1 March 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28.03.2024

Appeal Ref: APP/J3720/D/23/3332165

**Walnut Tree Cottage, Alcester Road, Little Alne, Aston Cantlow,
Warwickshire B95 6HW**

- 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 R Hartwell against the decision of Stratford-on-Avon District Council
 - The application Ref 23/02013/FUL, dated 27 July 2023, was refused by notice dated 27 September 2023.
 - The development proposed is alterations to existing garage to include 2 No. dormer windows, 4 No. rooflights, external doors and stairs & solar panels.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The staircase and rooflights have been installed and therefore this part of the proposal is retrospective. Further to the submission of this appeal, planning permission has subsequently been granted for the rooflights, external door and stairs and the solar panels¹. Therefore, my considerations are focused on the dormer windows as the outstanding matter in dispute.
3. Since the appeal was submitted a new version of the National Planning Policy Framework (the Framework) has been published. The December 2023 version does not alter the Government's general approach to development in the Green Belt, or the wording of the paragraphs referred to by the parties, but the paragraph numbering has changed. As such my paragraph references are to the latest version of the Framework.

Main Issues

4. The main issues in this appeal are: -
 - Whether or not the proposal would be inappropriate development in the Green Belt, and
 - The effect on the character and appearance of the area.

Reasons

5. Walnut Tree Cottage is a detached house with two, detached barn-like outbuildings to the south. The larger outbuilding used as a garage is a four-bay structure with a pitched tiled roof. It has been recently erected replacing

¹ Council Reference 23/02804/FUL, decision dated 7 December 2024.

previous outbuildings pursuant to planning permission². The proposed dormer windows would be inserted in the northeastern roof slope facing the parking area and access and Alcester Road to the north and White House Hill to the east. The southwestern elevation, accommodating the rooflights and solar panels faces the property's garden. The external staircase and door to the roof space have been erected in the north, flank elevation adjacent to the house.

Green Belt

6. The Government attaches great importance to Green Belts as set out in the Framework which indicates that any inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.
7. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 - 2031 (Core Strategy) sets out the forms of development which are not inappropriate in principle, this includes criterion (b) in respect of a small-scale extension or alteration of a building. This generally reflects the Framework at paragraph 154 c) with extensions and alterations to a building being an exception to inappropriate development, provided that they do not result in disproportionate additions over and above the size of the original building.
8. The addition of the dormer windows would not alter the footprint of the building and the increase in volume would be limited to no more than 3.6% for all the development proposed as referenced by the parties. The details of the original building which the outbuilding replaced are not before me, but the dormer windows would not be a disproportionate alteration to the existing building. Due to the very modest increase in size, I find that the proposed dormer windows would not be inappropriate development.
9. The Council also found that the proposal would not be disproportionate but went on to conclude that it would result in harm to the character of the Green Belt. Whilst the development management considerations of Core Strategy Policy CS.10 refer to an assessment of impact in relation to criterion (b), I concur with the appellant and relevant case law³ that the impact on openness is implicitly taken into account in the exceptions to Green Belt policy set out in the Framework. Thereby, where development is not inappropriate, it should not be regarded as being harmful to the openness or the purposes of the Green Belt and it is not necessary for me to consider the effect of the proposal on openness.
10. In conclusion, the proposal would not constitute inappropriate development. Consequently, the proposal would not conflict with Core Strategy Policy CS.10 and the Framework which seek to avoid inappropriate development in the Green Belt.

Character and Appearance

11. The site occupies an elevated position at the corner of Alcester Road and White House Hill. It is located within the Arden Special Landscape Area at the edge of Little Alne with a small group of buildings to the west, but otherwise, the site sits with an open, rural landscape. The relatively new garage with its extensive

² Council references 19/02444/FUL, 20/00364/AMD and 20/00793/VARY.

³ Lee Valley Regional Park Authority v Epping Forest District Council & Valley Grown Nurseries Ltd [2016] EWCA Civ 404.

length of roof is a prominent feature, seen from the adjacent roads and across the fields from the southeast.

12. From what I observed, the buildings in the vicinity have a traditional form, with many appearing to have been barn conversions. Whilst dormer windows are found on the host property and some other properties, they are dormers within or close to the eaves at the first-floor level within two-storey properties. In contrast, nearby single-storey structures and outbuildings maintain simple and interrupted pitched roofs.
13. The design of the dormer windows reflects the guidance in the Council's Development Requirements Supplementary Planning Document (SPD). Nevertheless, and notwithstanding the materials and design details, the proposed dormers would disrupt the roof plane, giving it a more domestic appearance, and due to the scale of the building would also diminish its subservience to the host property. In my view, the resultant development would be at odds with the prevailing form, and the projections to the roof would draw further attention, thereby increasing the building's visual prominence to the detriment of the rural character of the area. I also agree with the Council that whilst the recent tree planting is beneficial will take some time to have any meaningful benefit as screening.
14. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. Thus, the development would conflict with Core Strategy Policies CS.5, CS.9 and CS.20 which, amongst other things, seek a high standard of design which respects the local context, is of an appropriate scale to the existing dwelling, takes into account the cumulative impact of development proposals, and maintain the landscape character. Accordingly, there would also be conflict with the Framework and the National Design Guide with regard to development being sympathetic to local character.

Conclusion

15. While the development would not constitute inappropriate development and therefore would not be harmful to the Green Belt, the proposed dormer windows would increase the visual prominence of the building to the detriment of the relationship with the host property and its countryside setting. It would therefore fail to maintain the character and appearance of the area in conflict with the Development Plan. Accordingly, for the reasons set out, I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR