
Appeal Decision

Site visit made on 22 March 2024

by S. Hartley BA (Hons) Dist.TP (Manc), DMS, MRTPI, MRICS

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/J3720/D/24/3337117

11 Aspley Heath Lane, Tanworth in Arden, Warwickshire B94 5HU

- 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 Gary McDonald against the decision of Stratford on Avon District Council.
 - The application Ref 23/02927/FUL, dated 27 October 2023, was refused by notice dated 11 January 2024.
 - The development proposed is the formation of a first floor extension to the existing house to form an additional bedroom and an extension to an existing porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed extension is inappropriate development within the Green Belt and (ii) if the proposal is inappropriate development in the Green Belt, 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 development.

Reasons

Whether inappropriate development

3. The semi-detached dwelling is one of a line of two storey properties set back from Aspley Heath Lane, with landscaped gardens to the front and within the Green Belt. Paragraph 152 of the National Planning Policy Framework of December 2023 (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 154 makes it clear that, other than in specified circumstances, new buildings are inappropriate development. One of the exceptions of this is paragraph 154 (c) which permits 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. Annex 2 of the Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
4. The appeal property has been extended by a wrap-around, single storey side and rear addition and a porch. The appeal proposal is for a first floor extension above the existing side extension and an addition to the porch.

5. Policy CS.10 of the Stratford on Avon Core Strategy 2016 (CS) states that the Council will uphold the purposes of the Green Belt by resisting inappropriate development within it, except in cases where very special circumstances are justified in accordance with the provisions of national policy. However, it adds that '*a small-scale extension or alteration of a building*' is not inappropriate in principle.
6. Policy CS.10 is consistent with the provisions of the Framework. However, neither the CS nor the Framework include a definition of what constitutes a disproportionate addition. As such, the assessment as to whether a proposal would comprise a disproportionate addition over and above the size of the original building is a matter of planning judgement.
7. The local planning authority (LPA) in its officer report states that the existing extensions to the original dwelling have added approximately 48% by volume to it, and that the proposed development would increase this to approximately 68%. The appellant has not disputed the figures and I have no reason to doubt them.
8. In my judgement, the extensions would represent a significant increase in the volume of the original dwellinghouse. As a whole, they would therefore constitute disproportionate additions, contrary to both CS policy CS.10 and the Framework. Consequently, the proposal would be inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

9. The proposal would relate to extensions of the existing dwellinghouse. In spatial terms, it would reduce the openness of the Green Belt to a significant extent. The extensions would be visible from the main road, and the effect on the visual openness of the Green Belt would be significantly adverse.
10. Overall, I find that there would be harm caused to the openness of the Green Belt.

Other Considerations

11. The appellant has referred to his involvement some time ago in an industrial accident which may, at some point in the future, require him to use a wheelchair. Therefore, a separate internal layout has been produced which shows the adaption of the proposed and existing extensions to enable a vertical chair lift to be installed.
12. For the purposes of determining this appeal, I have assumed that the health condition is enduring and is impacting on day-to-day life and activity. Accordingly, I have considered the condition as a disability. In this regard, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
13. Nonetheless, the positive weight that I afford to the health condition is tempered by the fact that I have little evidence about whether such requirements cannot be made within the property as it currently exists. This

reduces the weight that can be afforded to these personal circumstances in this case.

14. Therefore, I find that my decision to dismiss the appeal is a necessary and proportionate approach to the legitimate aim of protecting the Green Belt in the public interest. This outweighs the personal circumstances outlined above.

Conclusions

15. The proposal would be inappropriate development within the Green Belt. Furthermore, harm would be caused to the openness of the Green Belt. I conclude that the harm by reason of inappropriateness, and the other identified harm, is not clearly outweighed by the other identified considerations so as to amount to very special circumstances to justify development. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR