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# Appeal Decision

Site visit made on 30 January 2024 by Tom Bennett BA(Hons) MSc MRTPI

**Decision by Martin Seaton BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 April 2024**

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**Appeal Ref: APP/U4610/D/23/3329896**

**266 Hawkes Mill Lane, Allesley, Coventry CV5 9FJ**

- 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 Dwayne Doherty against the decision of Coventry City Council.
  - The application Ref PL/2023/0001149/HHA, dated 5 June 2023, was refused by notice dated 23 August 2023.
  - The development proposed is demolition of existing garage and outbuilding and erection of rear single storey extension.
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## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Preliminary Matter

3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

## Main Issues

4. The main issues 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; and
  - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## **Reasons for the Recommendation**

### *Whether Inappropriate Development*

5. Paragraph 154 of the Framework outlines that the construction of new buildings, other than in specific exceptions, should be regarded as inappropriate in the Green Belt. One such exception to this, set out at Paragraph 154c), is for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. In this context, the original building means the dwelling as originally built or as the building existed on 1 July 1948 (whichever is the later).
6. The Framework and Policy GB1 (Green Belt) of the Coventry Local Plan (2016) (LP) do not define what a disproportionate addition would be. As such, it is a matter of judgement for the decision-maker, but the overall size of the building (either in terms of footprint, floor space or volume) is clearly an important factor.
7. The appeal submissions indicate that the Council and appellant broadly agree that the proposed rear extension would lead to the dwelling having a total floor space of 130-131 sq. metres. Given that the original dwelling had a floor space of approximately 58 sq. metres, the proposal in combination with previous additions, would result in a 126% increase in size, defined as floor space, over that of the original dwelling. This would represent a significant and material increase in built form due to its increased mass, volume, and floor area. In the context of the original dwelling, this would represent a disproportionate addition and would not therefore fall to be considered within the exception identified at paragraph 154c) of the Framework.
8. For the above reasons, the proposal would be inappropriate development in the Green Belt. It would therefore conflict with the Framework in so far as it states that inappropriate development is, by definition, harmful to the Green Belt. It would also conflict with Policy GB1 of the LP by its association with the Framework.

### *Openness*

9. Paragraph 142 of the Framework outlines the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. The Framework indicates that openness is an essential characteristic of the Green Belt. It has been held in the High Court that openness is epitomised by the lack of buildings or development and that it has both a spatial and visual aspect.
10. The increased floor area and volume of the dwelling, even factoring in the removal of the garage and the possibility of the removal of the stable block, would undoubtedly have a greater spatial impact on openness when compared with the existing situation. Furthermore, unlike the existing garage, there is no guarantee that the stable block would in fact be demolished as it is not a necessary action to facilitate the proposed development.
11. The rear extension would not be highly visible from the street scene owing to the existing built form. Whilst there would be some views possible from the countryside to the rear, the proposal would be seen in the context and backdrop of surrounding properties which are of a similar scale to that

proposed. The removal of the garage would also open up some limited views through from the street scene to the fields at the rear. Consequently, when considering the development as a whole, the effect of the proposed development on the Green Belt's visual openness would be very limited.

12. When the visual and spatial effects of the extension are taken together, there would be a moderate adverse impact on the openness of the Green Belt. In that regard, the extensions would not preserve the openness of the Green Belt, thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework.

### *Other Considerations*

13. The extension would utilise matching materials and retain a similar roof form to the existing dwelling, harmonising with the surrounding built form. The proposal would also not have an adverse effect on neighbouring occupiers and no highway issues would be raised. However, the absence of harm on each and all of these issues taken together is a neutral factor, weighing neither for nor against the appeal.
14. It is also indicated that the proposed extension would be more energy efficient than the existing extension. However, owing to the scale of the proposal, any such benefits would be very limited in scale.
15. The appellant has drawn my attention to a previously approved application for a single storey rear extension on the appeal site.<sup>1</sup> However, from the limited information I have, it appears that this scheme is for a smaller development than the appeal case before me, and therefore does not alter my findings above.

### *Green Belt Balance*

16. The proposed extension to the dwelling constitutes inappropriate development in the Green Belt and the Framework establishes that any harm to the Green Belt should be given substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. As part of the assessment, I have found that the extension would result in moderate harm to the openness of the Green Belt. Paragraph 153 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. In conclusion and on balance, the substantial weight to be given to Green Belt harm, is not clearly outweighed by the other considerations in this case and therefore the very special circumstances needed to justify the development do not exist. The proposed development conflicts with Policy GB1 of the LP and the Framework, which together seek to protect the Green Belt.

### **Conclusion and Recommendation**

18. The proposed development conflicts with the development plan as a whole and there are no other material considerations that outweigh this conflict. I therefore recommend that the appeal is dismissed.

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<sup>1</sup> Reference: HH/2022/0781

*Tom Bennett*

APPEAL PLANNING OFFICER

**Inspector's Decision**

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

*Martin Seaton*

INSPECTOR