



Appeal Decision

Site visit made on 23 September 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/T3725/D/24/3338258

April Cottage, 9 Chapel Lane, Lapworth, Warwickshire B94 6ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by David Evans against the decision of Warwick District Council.
 - The application Ref is W/23/1356.
 - The development proposed is proposed garage/garden store extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the decision notice as this more accurately reflects the site address.

Main Issues

3. The main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt; and
 - if the proposal is inappropriate development, 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

Whether inappropriate development

4. The appeal site comprises a dwelling which is situated in the Green Belt. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The proposal includes the extension of an existing dwelling. The Framework advises at Paragraph 154 that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to exceptions, one of which 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.

Policy DS18 of the Warwick District Local Plan 2011-2029 (2017) (LP) confirms that the Council will apply national policy to proposals within the Green Belt.

6. The term 'disproportionate' is not defined in the Framework, however the supporting text to LP Policy H14 states that the Council will consider each case on its merits, though as a guide, in the Green Belt additions that represent an increase of more than 30% to the gross floor space of the original dwelling are likely to be considered disproportionate. Although this is only a guide, it provides a useful insight into the Council's approach to this concept.
7. The proposal would involve the erection of a single storey side extension to accommodate a garage. April Cottage is a large semi-detached dwelling set within a sizeable plot. On site I observed that several extensions have been applied to the dwelling which have increased its overall floorspace and volume. The main parties disagree on the floor area increase to the original building resulting from the proposal. The Council suggest that the extension would result in a cumulative floor area increase of 180% to the original dwelling. The appellant suggests that a detached garage, which previously stood in a similar location to the proposed extension and was demolished in 1999, should be taken into account when calculating the original floorspace, resulting in a smaller % increase, though an exact figure isn't given.
8. Photographic evidence indicates that a garage once stood at the location of the proposed extension. However, there is no particular evidence before me that this formed part of the original dwelling. Even if I were to accept that the garage counted towards the original floor area of the dwelling, the proposal, when seen in combination with existing extensions, would still result in an increase in the floor space of the original dwelling which would be notably more than 30%. Whilst the extension, when considered in isolation, would be relatively modest in terms of its overall scale, when taken cumulatively with the previous extensions, it would further increase the floor space of the original building significantly over the threshold set out in the LP. This would result in a disproportionate addition over and above the size of the original building.
9. For the reasons given above I conclude that the proposal would result in a disproportionate addition to the dwelling, and thus would be inappropriate development in the Green Belt. The proposal would therefore conflict with LP Policies H14 and DS18 and would not be an exception to new buildings in the Green Belt under Paragraph 154 of the Framework. The Framework advises that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances.

Effect on the openness of the Green Belt

10. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence.
11. The loss of the undeveloped space at the side of the appeal property would result in a dwelling which would appear bulkier and perceptibly wider than the existing building. This increase in the overall size and volume would spatially reduce the openness of the Green Belt and the extended dwelling would become more prominent within its setting. This would be particularly perceptible in views from the road and surrounding area.

12. Based on the information before me, by virtue of its increased height, width and massing relative to the previous garage which stood on the site, it is highly likely that the proposed extension would appear notably bulkier than the building as it stood prior to the demolition of the garage, and thus would have a greater effect on the openness of the Green Belt.
13. I consider that there would be moderate harm to the openness of the Green Belt resultant from the development. The Framework advises that substantial weight is given to any harm to the Green Belt. Therefore, although the effect is moderate, I give significant weight to that harm.

Other considerations

14. The Framework is clear that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
15. In support of the proposal the appellant has drawn my attention to other extensions in the immediate surrounding area, which, it is stated, are of a similar scale to the appeal proposal. However, there is limited information before me regarding these extensions and the circumstances in which they were constructed. Additionally, extensions elsewhere do not provide a justification for a development that would harm the openness of the Green Belt. I therefore afford these existing extensions limited weight in this decision.
16. The appellant also references development which could be carried out under Class E householder permitted development rights. In support of this indicative plans have been provided showing a detached garage in the approximate location of the proposal. I have limited information about whether there would be an intention to build that outbuilding if this appeal were dismissed. However, there would seem a greater than just theoretical possibility that this alternative would take place.
17. The indicative plan shows an outbuilding of a comparable siting and footprint to the appeal proposal. However, by virtue of its increased height, the appeal proposal would appear noticeably bulkier than this 'fallback' permitted development outbuilding. Thus, if the fallback scheme were implemented, it would be less harmful to the openness of the Green Belt. I therefore afford this limited weight in this decision.
18. The appellant suggests that the appeal proposal would be more sympathetic to the character and appearance of the host dwelling than development which could be carried out under permitted development rights. Whilst this may well be the case, in light of the increased massing and the greater visual impact on the openness of the Green Belt, and the resultant conflict with the well-established and legitimate planning purposes of the Green Belt, I give limited weight to this in this decision.

Other Matters

19. The Council have drawn my attention to the Warwick Net Zero Carbon Development Plan Document (DPD) (2024), which has been recently adopted. The appellant has been given the opportunity to comment on the implications of this for the appeal proposal. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision.

20. The Council have drawn my attention to DPD Policy NZC4, which requires that developments demonstrate a consideration to sustainable construction and design in accordance with LP Policy CC1. LP Policy CC1 requires that development is designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures where appropriate including water efficiency measures, using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures. Applicants are required to set out how the requirements of the policy have been complied with including justification for why the above measures have not been incorporated.
21. DPD Policy NZC4 states that it is applicable to existing buildings. It is therefore applicable to the appeal proposal. The appellant sets out that the proposal would be of significantly better construction than the previous prefabricated garage, and states that there would be negligible carbon emissions from the new extension once built. There is, however, limited detail on how the specific requirements of the policy will be met.
22. Nonetheless, were I minded to allow this appeal, I consider that this matter could be adequately dealt with by a condition requiring the submission and approval of an Energy Statement setting out how the requirements of the policies have been complied with.

Green Belt Balance and Conclusion

23. I have concluded that the proposal is inappropriate development which, by definition, is harmful to the Green Belt. I have also concluded that the proposal would result in harm to the openness of the Green Belt and would conflict with one of the Green Belt purposes.
24. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
25. The proposed development conflicts with the development plan and there are no material considerations, either individually or in combination, which outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

N Robinson

INSPECTOR