



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/J3720/D/24/3340641

Good Place, Poolhead Lane, Tanworth-In-Arden, Warwickshire B94 5EH

- 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 Mr Adil Abrar against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/02790/FUL.
 - The development proposed is replacement of the existing conservatory with a smaller extension; construction of a timber-framed carport to front, and open-sided timber-framed structure and replacement balcony at rear; installation of external wall insulation and cladding to all external walls; alterations to windows, doors, dormers and rooflights.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 development is inappropriate, its effect on openness and 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 required to justify the proposal.

Reasons

Whether inappropriate development

3. 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.
4. 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 CS.10 of the Stratford-on-Avon Core Strategy 2011 to 2031 (2016) (LP) also states that planning permission will be granted for a small-scale extension or alteration of a building in the Green Belt.

5. In the context of the Framework the glossary advises that 'original building' refers to a building as it stood on 1 July 1948 or as constructed if built after that date. The term 'disproportionate' is not defined in the Framework and 'small scale' is not defined in the LP. The supporting text to LP policy CS.10 advises that the cumulative effect of the proposed scheme together with previous development on the site will be taken into account and the extension should not result in a building disproportionately larger than the original building.
6. The appeal property comprises a detached bungalow which has undergone extensions and is set back from the road within a spacious plot. It is proposed to erect a rear extension following the demolition of the conservatory, and to erect a carport to the front elevation, an open-sided timber-framed structure and replacement balcony to the rear. Further alterations are also proposed in the form of external wall insulation and cladding and alterations to windows, doors, dormer windows and rooflights.
7. The main parties disagree on the volume increase created by the proposal. The Council calculates that the proposal would represent a cumulative increase in volume of 50.3%. The appellant calculates that the proposal would represent a cumulative increase in volume of 35.28%. Even if I were to accept the appellant's calculations, this would still represent in a significant volume increase. Therefore, whilst the proposed development would be relatively modest in terms of both its footprint and volume, it would not be limited or small in scale having regard to previous extensions and would thus constitute a disproportionate addition over and above the original building.
8. For the reasons given the proposal would be inappropriate development in the Green Belt. The proposal would therefore conflict with LP Policy CS.10 and would not be an exception to new buildings in the Green Belt under bullet point 3 in Paragraph 154 of the Framework. In accordance with Paragraph 153 of the Framework, this is a matter to which I attach substantial weight.

Openness

9. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect and a visual aspect.
10. The appeal proposal includes several components which, by virtue of their scale and siting, would have a neutral effect on the openness of the Green Belt including the replacement rear extension, open-sided timber-framed structure and the replacement balcony. Similarly, the external wall insulation and cladding to the external walls, and the alterations to windows, doors, dormers and rooflights would not significantly alter the footprint or massing of the dwelling or result in any adverse effects upon the openness of the Green Belt.
11. However, the proposed carport would project to the front of the dwelling. It would result in more of the Green Belt being built upon than at present, which

would have a reducing effect on the openness of the Green Belt. Whilst it would be open on one side, the use of hit and miss timber cladding to the front and southeast elevations would result in an extension with a solid appearance which would add increased bulk and massing to the existing building.

12. By virtue of its position towards the front of the property, the increased footprint and volume of the building would also have a greater visual impact on the openness of the Green Belt when compared with the building as it originally stood or indeed the existing building. This would be particularly perceptible in views from neighbouring properties and from the road. The openness of this part of the Green Belt would thus be harmed. The Framework advises that substantial weight is given to any harm to the Green Belt.

Other considerations

13. 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.
14. The appellant indicates that extensions which could be carried out under permitted development could result in an equivalent amount of development to the appeal proposal. I have limited information about whether there would be an intention to carry out extensions under permitted development if this appeal were dismissed. However, there would seem a greater than just theoretical possibility that this alternative would take place.
15. Subject to the limitations in the General Permitted Development) (England) Order (2015), works which could be carried out as permitted development could increase the floor area and volume of the building by more than the appeal proposal, resulting in more of the Green Belt being built upon than at present, and a greater spatial and visual impact upon openness.
16. Nonetheless, permitted development rights would not include an extension of the scale and siting of the proposed carport. The permitted development fallback would therefore omit a substantial part of the proposal, and indeed the part of the proposal that I have found to be most harmful to the openness of the Green Belt.
17. Furthermore, if the appeal proposal were allowed, this would not prevent further extensions from being erected under permitted development rights alongside the appeal proposal. There is no mechanism before me to prevent existing permitted development rights being exercised prior to commencing the proposed development as the removal of such rights would only take effect once any permission has been implemented. The potential for both the appeal proposal and permitted development being carried out, and the resultant effect on the openness of the Green Belt, reduces the weight to be afforded to this consideration.
18. The appellant goes on to suggest that development which could be carried out through a combination of permitted development and planning permission would have a similar physical form to the appeal proposal. The appellant sets out that this could be achieved by seeking planning permission for the cladding of the existing building, carrying out an extension and shading structure under

permitted development and then seeking planning permission to convert the shading structure to a balcony.

19. I cannot be certain that the Council would grant planning permission for the works as detailed or that these works would include the carport, which is the element of the proposal that I have found to be most harmful to the openness of the Green Belt. Given this, if implemented, there is no suggestion that this hybrid fallback development would be more harmful to the openness of the Green Belt. Consequently, I afford limited weight to this in my decision.
20. The appellant suggests that the appeal proposal would result in improvements to energy efficiency, but I have very little evidence of the magnitude of these improvements. There is no evidence that the appeal proposal is the only mechanism by which these improvements could be achieved. Thus, I afford this benefit limited weight.
21. The appellant also suggests that the proposal would improve the design quality of the appeal property, in particular through the replacement of the existing white render with timber cladding. The extensions proposed in this appeal are not, however, shown to be necessary for this purpose. Thus, I afford this limited weight.

Planning balance and Conclusion

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt should not be approved except in very special circumstances. Paragraph 153 goes on to advise that very special circumstances will not exist unless any potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
23. I attach substantial weight to the harm to the Green Belt by virtue of the fact the proposal is inappropriate development and the harm it has to the openness of the Green Belt, as I am required to do by the Framework. I find in this case that the other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
24. Therefore, for the reasons given above, the appeal is dismissed.

N Robinson

INSPECTOR