



---

# Appeal Decision

Site visit made on 24 September 2024

**by Nick Bowden BA(Hons) Dip TP MRTPI**

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

**Decision date: 10 October 2024**

---

**Appeal Ref: APP/R3705/D/24/3340521**

**Fern Cottage, Tamworth Road, Corley, Warwickshire CV7 8AA**

- 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 Przemyslaw Malinowski against the decision of North Warwickshire Borough Council.
  - The application Ref is PAP/2023/0418.
  - The development proposed is a single storey rear, 2 storey side and rear extension and internal alterations.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development given in the banner heading above includes 'internal alterations'. Internal works are not an act of development although I recognise the relevance of them as part of the overall scheme. The Council's decision notice also made reference to a 'new vehicle access'. Whilst permission for this element of the scheme was not explicitly sought, I am satisfied it is part of the proposal and integral to it. Moreover, the appellant has commented upon this element of the refusal and I have therefore considered the merits of it here and this has been done without prejudice to any party.
3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023. This is the same date as a decision was made by the Council on the application. I am also aware of the consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

## Main Issues

4. The main issues are:
  - a) whether the proposal would be inappropriate development in the Green Belt having regard to development plan policies and the Framework,
  - b) the effect of the proposed development on the openness of the Green Belt,
  - c) the effect of the proposed development on the character and appearance of the area,

- d) the effect of the proposed development on highway safety, and
- e) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether inappropriate development*

5. The appeal site is located within the Green Belt. Policy LP3 of the North Warwickshire Local Plan 2021 (NWLP) is consistent with the Framework in stating that inappropriate development in the Green Belt will not be approved except in very special circumstances. Paragraph 154 of the Framework sets out that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this include 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. This is reflected in criterion b) of policy LP3 which states that extensions will be considered to be disproportionate based on the merits of each individual case and both quantitative and qualitative criteria will be used in this assessment. The policy clarifies that the original building is defined as that which was present on 1 July 1948 or that which came into being after this date.
6. The evidence provided is not definitive on the size and extent of the original dwelling. In addition, the appellant and Council do not agree on the original, existing and proposed floorspace and volume. However, it is apparent that the dwelling has been altered and extended since its original construction through the flat roofed extensions to the rear<sup>1</sup>. Furthermore, and in any case, the plans and elevations clearly show the proposed extension represents a substantial increase in floorspace and volume over the existing dwelling. Even if I were to regard the existing dwelling as the original building, which I do not, the proposed extension would still represent a disproportionate addition.
7. The proposed extensions would increase the width, depth and height of both the original and existing building. The level of extension would clearly be disproportionate over and above the size of the original building and the development therefore represents inappropriate development in the Green Belt and this would conflict with policy LP3 of the WLP and the Framework.

### *Effect on openness*

8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt. It is epitomised by the lack of buildings or development and has both a visual and spatial aspect.
9. The existing building is sited close to the front site boundary although it is largely screened from public vantage points by well established planting. The proposed increase in the size of the building would nevertheless result in it being more noticeable. Visually this would be more prominent but, because of the screening, the effect of the proposed development on the Green Belt's visual openness would be limited.

---

<sup>1</sup> HIS/1901/0247 dated 10 November 1988

10. There would however be a harmful reduction in the spatial openness of the Green Belt because of the increase in size of the dwelling, establishing development where there was previously none. In this regard, the extension 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. This harm would be in addition to the inappropriateness of the scheme.
11. I have considered the demolition of the existing outbuildings and the removal of these would be a small benefit to openness. However, this does not offset the harm caused by the proposed extension to the dwelling. The extension is a much larger structure in both floorspace and volume in addition to reaching a much greater height. By comparison the outbuildings are low scale diminutive structures. Moreover, there is no mechanism within which I am reasonably able to restrict the construction of further outbuildings as 'permitted development' and therefore there remains the potential for these structures to be replaced and that would harm openness.

*Character and appearance*

12. The existing building comprises a fairly modest Victorian era cottage. Despite various alterations and extensions that have been added to it, it still retains the general form of this style of dwelling. This harmonises with its surroundings as a traditional style cottage on the outskirts of the village of Corley.
13. The proposed extension would substantially re-model the dwelling including a wrap-around extension and increasing the width, depth and height of the building. It would erode the character of the cottage and due to its position and countryside location, also result in harm to the character and appearance of the area.
14. I recognise that the site, despite its proximity to the road, remains fairly secluded. Whilst this does work in favour of the scheme, it is not sufficient to justify an extension which would harm the traditional and fairly diminutive character of the existing dwelling. I therefore conclude that the development would be harmful to the character and appearance of the existing building and locality. Although the extension would replace some of the piecemeal flat roofed extensions that have already been constructed, these are of a small size and are not readily prominent in the street scene. The proposed extension would fundamentally change the scale and character of the dwelling which would be more harmful than the existing, modestly sized, flat roof additions. It therefore conflicts with policy LP30 of the WLP which requires development to respect and reflect the existing pattern, character and appearance of its setting and ensuring that local design detail and characteristics are reflected within the development.

*Highway safety*

15. The development incorporates the repositioning of the existing access to the site from a point directly onto the main carriageway of Tamworth Road to a point further to the south which leads into a small lay-by. The existing access comprises a pair of inward opening gates that are directly on, or at least very close to, the boundary with Tamworth Road.

16. There are limited details on the precise dimensions and construction of this proposed access, however the location of this within the lay-by is an enhancement in its own right as vehicles will no longer enter or exit onto the main carriageway. This would lead to a substantial reduction in the potential for conflict between vehicles because, at a minimum, vehicles would no longer have to wait or pause on the main road while gates are opened or closed.
17. Notwithstanding the comments of the Highway Authority, it is not clear whether any gates are proposed for the new access. As no details of these have been provided, and, as this element of the scheme was not explicitly applied for, I have considered this new access as not proposing any gates.
18. I recognise that the new access serves an area that does not appear to be able to accommodate space for vehicles to be able to turn and manoeuvre within the site to achieve forward facing entrance and exit movements. Moreover, the parking spaces appear to be substandard. However, additional space does appear to be available in order to achieve these parking spaces and manner of access and egress if the garage is retained for vehicle parking.
19. I am satisfied that conditions could be imposed to ensure parking provision to accord with space standards, forward entry and exit and to restrict the formation of gates on the boundary with the highway. Given that this access would be in a safer position away from the main carriageway and could be enhanced with such conditions, it could accord with WLP policy LP29 with conditions. This element of the proposal therefore complies with this policy and the Framework which seek to provide safe and suitable access.

*Other considerations*

20. I have noted references to a nearby property which had extensions to it permitted in 2020. However, I have no details on the particulars or circumstances of this case such that any weight I could afford it is limited. I have further considered that the extension would not result in any harm to the living conditions of neighbours, however this is a neutral consideration and does not weigh for or against the proposal.

**Green Belt Balance and Conclusion**

21. The proposal would amount to inappropriate development in the Green Belt and no other circumstances that would clearly outweigh this harm have been identified. The development would further be detrimental to the character and appearance of the area. The proposal therefore conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

*Nick Bowden*

INSPECTOR