



Appeal Decision

Site visit made on 22 October 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/T3725/W/24/3347380

Langdale, Red Lane, Burton Green, Kenilworth, Warwickshire, CV8 1PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Steve and Kara Wasley against the decision of Warwick District Council.
 - The application Ref W/24/0283 was approved on 30 May 2024 and planning permission was granted subject to conditions.
 - The development permitted is "proposed single storey rear extension and demolition of garage."
 - The condition in dispute is No 4 which states that: The extension hereby permitted shall not be occupied unless and until the elements of the existing property shown to be demolished on the approved plans have been demolished in their entirety and all associated materials permanently removed from the site.
 - The reason given for the condition is: To secure appropriate development in the Green Belt and to comply with Local Plan DS18 and the NPPF.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is necessary and reasonable having regard to local and national policies relating to proposals affecting the Green Belt.

Reasons

3. The appeal site comprises a detached dwelling on a large plot. The area is characterised by linear development along Red Lane, with dwellings set back from the highway behind front gardens and driveways. Gaps in built form along the road provide glimpses of open land, which is located to the rear and opposite the appeal site. The views of open land combined with boundary hedgerows, landscaping, and wide grass verges gives the area an open verdant feel.
4. The National Planning Policy Framework (the Framework) denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
5. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. It goes on to provide a number of exceptions. One such exception (154 c)) 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.

6. Warwick District Local Plan (2017) (LP) Policies H14 and DS18 relate to extensions to dwelling in the open countryside and Green Belt. Whilst neither policy define a disproportionate addition the explanatory text for Policy H14 states that as a guide an increase of more than 30% to the gross floorspace of the original dwelling is likely to be considered disproportionate.
7. The reason for the condition is clear in that the Council wants the existing garage to be removed in order to protect the Green Belt. It is clear from the evidence provided by the appellant that a previous planning application¹ was refused due to the Council considering the extension to be a disproportionate addition. The Council noted that the original dwelling appears to have been significantly extended over time, and the proposed extension and the retention of the garage, the dwelling would have a floor space increase of approximately 124%. These figures have not been disputed by the appellant. Taken together, these increases would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building.
8. There is no defined way of assessing and measuring proportionality, but the Framework refers to 'size.' This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. The appellant contends the retention of the garage would be proportional. The garage to be demolished appears as a side extension, almost flush with the front elevation of the host dwelling, which contributes to its visual bulk. Its removal would create a step back from the front elevation, increasing the subserviency and visual bulk of the side extension which would improve the sense of openness when viewed from the public highway. The retention of the garage, along with the proposed extension and other extensions, would subsume the original dwelling and would therefore be visually disproportionate.
9. I have had regard to the appellants submission relating to nearby development, which includes an area of land nearby that has been removed from the Green Belt to be allocated for housing and a caravan park is located to the north of the site. They have also referenced a number of recent developments in the local area including infill housing, construction of a community centre and place of worship and HS2. I have not been provided with full details of each case; however, they do not relate to the extensions of dwellings. Indeed, they relate to the construction of dwellings, community facilities and infrastructure which may have policy support or very special circumstances. As such, I do not consider that the matters raised are directly comparable and I have dealt with the appeal on its own merits.
10. The appellant has referred to permitted development rights which could be utilised to construct a garage to the front of the host dwelling. The appellant has not provided any plans or measurement of such a building. In any event, any future garage would be provided as a separate building with a gap between it and the host dwelling. It would not increase the visual bulk of the dwelling, and any gap would provide a spatial separation between it and the dwelling.

¹ W/23/1085 refused 6 October 2023

11. Accordingly, the removal of the condition in order to retain the garage would not comply with LP Policies H14 and DS18 which seeks to protect the Green Belt from inappropriate and thus harmful development.

Conclusion

12. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR