



Appeal Decision

Site visit made on 25 July 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/T3725/D/25/3368764

Oldlydd Red Lane Burton Green Kenilworth CV8 1PB

- 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 S Woodfield against the decision of Warwick District Council.
- The application Ref W/24/1681.
- The development proposed is Erection of single storey rear extension, 2 no. rear box dormers with metal cladding. 3 no. dormers to front. Erection of front porch

Decision

1. The appeal is allowed and planning permission is granted for Erection of single storey rear extension, 2 no. rear box dormers with metal cladding. 3 no. dormers to front. Erection of front porch in accordance with the application Ref: W/24/1681 subject to the following conditions:
 - 1) The construction of the development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plan: 9776 – 02 Rev:AB.

Preliminary Matter

2. The Council have provided a list of plans but refer to all versions of the proposals (Proposed plans and elevations: drawings 9776-02; 02A; and 02AB) as 'superseded'. Drawing 9776-03B is titled 'proposed block plan' in the plan list but is not so labelled on that plan nor am I provided with other versions. It is not entirely clear which plans were considered by the Council, as their report refers to an increase in bedrooms whereas drawing 9776-02AB¹ shows 2 bedrooms not 3. The appellant's statement is somewhat general in nature and brings little clarity on these points, further, of the two amended schemes provided² it is not clear to which the calculations provided by the Council apply. Nevertheless as the block plan appears to capture the scheme appearing on drawing 9776-02AB which is the version that has a less impactful front elevation, I have determined the appeal on the basis that 9776-02A is superseded but not Rev; AB.

¹ The most recent version of the proposals

² 02A; and 02AB

Main Issue

3. The main issues are:

- whether the proposed development would be inappropriate development in the Green Belt, and, if so, whether other considerations exist that clearly outweigh the totality of harms, including non-Green Belt harms, that have been identified, and
- the impact of the proposed development on the character and appearance of the host dwelling.

Reasons

Inappropriate Development

4. Oldlydd, the appeal site, is a detached single storey dwelling with accommodation in the roof void located within a group of other, mostly larger detached houses set in substantial plots. Arranged as a linear settlement along the east side of Red Lane, similar small groups of housing sporadically populate the rural roads in the locality which lies within the West Midlands Green Belt. Red Lane lies in otherwise open countryside beyond the built-up areas of the larger settlements of Tile Hill, Kenilworth and Balsall Common. Unlike the prevailing development pattern on Red Lane, Oldlydd does not have frontage to Red lane but lies behind a frontage dwelling sharing access by a side lane which also serves another two-storey dwelling. The appeal site, therefore, sits between two substantial dwellings and is well enclosed by other development albeit at the edge of the built up area of Red Lane³.
5. Along with other very minor alterations the proposal intends to internally reorganise such that the existing first floor accommodation would extend into three dormer windows inserted to the front roof slope along with a wide but shallow box dormer at the rear. There would also be some other adjustments in the form of a relocation of the front porch, together with rebuilding of an existing single-storey extension to conjoin with the main rear wing. These works would only modestly increase the volume of the building I found at the time of the site visit.
6. Development in the Green Belt is, by definition, inappropriate unless it follows identified exceptions. Extension to existing buildings are not-inappropriate unless of disproportionate size and in that regard the Framework requires consideration of the degree of change from the 'original building'. The Council have put forward an empirical assessment as to the change in floor area and volume but do not identify the contribution of the current proposal to (what they regard as) a cumulatively disproportionate increase from their assessment of the 'original' building.
7. Policy H14 of the Warwick District Local Plan (2017) (WDLP) addresses the issue of disproportionality of extensions to dwellings in the Green Belt. However the calculations appearing in the Council's officer report arise from guidance in the explanatory text⁴ which only relates to floor area, an approach inconsistent with paragraph 154 of the Framework which refers to 'size'. I also note that Policy H14 also indicates: *'it is not possible to define what is considered to be a*

³ Actual outlook is limited by planting

⁴ At 4.94 and 4.95

disproportionate addition’ going on to explain that a number of factors would be relevant and that each case should be determined on its merits.

8. The Courts⁵ indicate that in consideration of disproportionality, comparative assessment against the original building should be objective but there could be a number of relevant factors such as footprint, built volume, height or similar as well as floor area. An empirical method such as the comparative calculation offered by the Council should be treated with caution when the degree of change under consideration is, as seems to be the case here, a small proportion of a cumulative increase. I also note that despite providing a calculation of gross volume and floor area, with regard to the built form sought to be approved, the Council go no further than stating it would *‘materially add(ing) volume to front and rear’* causing *‘limited harm to the openness of the Green Belt’*.
9. Even if the Council’s calculations are apt to their conclusion and their identification of what is ‘original’ is accurate, harm (to the extent it exists) would result almost entirely from the earlier rear gabled extension⁶ and the flat-roofed ground floor rear addition. Whereas it is notable that the proposal⁷ would introduce no increase in footprint, height or width of the building from what currently exists and it would be changes to these factors which would likely impact upon openness.
10. As I have nothing before me by which to confirm or judge the extent, size or appearance of the original building, I can attach only limited weight to the Council’s representations. It is my assessment that, notwithstanding the permitted addition or its flat-roofed ground floor rear extension, likely built without express permission, the proposed development would not result in a disproportionate addition to the original building. The proposed roof alterations, by their limited extent⁸ and discrete location would not spatially intrude into the openness of the green belt and that any visual impact would be of a very limited nature. I therefore conclude that the proposal would not amount to inappropriate development in the Green Belt.

Other harms

11. The Council’s first refusal reason refers to Policy BE1 of the WDLP and the Residential Design Guide SPD (SPD), although their main concern appears to be the wide flat-roofed rear dormer. Whilst such additions are discouraged⁹ alternative options for making the existing upper floor accommodation more useable in terms of layout and size¹⁰ are otherwise very limited. Whilst the proposed rear dormer is neither traditional nor compliant with the suggestions in the SPD, such guidance should be applied in context. Noting that development in the surrounding area, which is well-established, already varies greatly in detailing, appearance, typology and mass. The effect of the development on the character and appearance of the host dwelling and the surrounding area would be largely mitigated by the discrete location and enclosing vegetation. I therefore conclude the proposal by its design and form would accord with the principles of good design set out in policy BE1 of the WDLP and in the SPD.

⁵ CoA in R (oao Heath and Hampstead Society), Camden LBC and Vlachos

⁶ Ref W/06/1906

⁷ set out in 9776-02AB

⁸ With a volume in the region of 30m3

⁹ Page 048 of the SPD

¹⁰ The first floor rooms are tightly confined by the narrow/low roof form

12. Consequently, taking all matters raised into account, the appeal succeeds subject to the usual plans and timing conditions.

Andrew Boughton

INSPECTOR