
Appeal Decision

Site visit made on 31 October 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 November 2016

Appeal Ref: APP/P2365/W/16/3153273

Neston, Scarth Hill Lane, Ormskirk, Lancashire L40 6HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Carl Ireland against the decision of West Lancashire Borough Council.
 - The application Ref 2015/0602/FUL, dated 9 June 2015, was refused by notice dated 25 April 2016.
 - The development proposed is a two storey extension and alterations.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The proposed extensions and alterations would convert 'Neston' and its attached neighbour 'Delph Gate' from a pair of semi-detached houses into one dwelling. It is common ground between the parties that as this conversion would not result in a material increase in the level of activity, it would not represent a material change of use, and therefore would not require planning permission. I agree with that position and have determined the appeal on this basis.

Main Issues

3. The main issues are;
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and,
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. Paragraph 89 of the Framework advises that the extension of a building, which does not result in disproportionate additions over and above the size of the original building, is not inappropriate development. Policy GN1 of the West Lancashire Local Plan states that development proposals within the Green Belt
-

- will be assessed, amongst other matters, against national policy. In relying on the Framework, policy GN1 is therefore consistent with it.
5. I have had due regard to the recently adopted Supplementary Planning Document '*Development in the Green Belt*' (SPD). Policy GB4 of the SPD relates to alterations and extensions to buildings within the Green Belt. It advises that, amongst other matters, the total volume of the proposal together with any previous extensions, alterations and non-original outbuildings should not result in an increase of more than 40% above the volume of the original building.
 6. The semi-detached pair of houses, subject of the appeal, was constructed in 1932. The original building is defined by the Framework as the building as it existed on 1 July 1948. Since 1948 a two storey side extension, front porch and single storey rear extension to Neston has been built.
 7. The kitchen extension to Delph Gate has brickwork and a roof that matches the main house. There is disagreement between the parties as to whether it was constructed prior to 1948 and thus forms part of the original building. The only evidence that the kitchen was constructed after the relevant date is an aerial photograph taken in 1961, which the Council interprets as showing that the extension was not present. However, the poor resolution and angle of the sun in the photograph mean that it is not possible to clearly distinguish the outline of the rear part of the house. As a consequence, it is not possible to conclude with any confidence that this is the case. In my assessment, given the matching form and appearance of the kitchen extension to the main house and its aged rainwater goods, in the absence of reliable evidence to the contrary, I find that on the balance of probabilities it was constructed before 1 July 1948. I have therefore treated it as forming part of the original house.
 8. The outbuilding to the rear of Delph Gate is a large well-constructed building located close to the house and in ancillary use to it. In contrast to the house, the 1961 aerial photograph provides a clear view of the rear garden and the outbuilding is clearly not present. As a result, it is evident that it was constructed a few decades after the year in which the house was built. In accordance with the approach of the SPD, I have therefore taken it into account as an addition to the original building.
 9. The proposed development involves a two storey side extension and single storey rear extension to Delph Gate and a replacement open sided porch to the front of Neston. Volumetric calculations have been submitted by the local planning authority at appeal stage that treats the two houses as one building. Notwithstanding the criticisms that the appellant makes of these figures, they are sufficiently accurate to demonstrate that including the outbuilding to the rear of Delph Gate the proposed extensions would result in an increase to the building as a whole comfortably in excess of 60%.
 10. The appellant's view is that if Delph Gate is assessed as a separate house the increase in volume of the dwelling, as a result of extension to it, would effectively be within 40%. As a result, the appellant's position is that the extensions to this house could be built in compliance with policy and, subsequently, the two houses could then be combined into one without planning permission. However, the appellant's calculation excludes the outbuilding. When it is taken into account the cumulative increase in the volume of Delph Gate would be closer to the 89% calculated by the Council

than the appellant's figure of 40.4%. Consequently, I attach little weight to this approach as a fallback position.

11. By any reasonable estimate the increases in volume that would occur as a result of the proposed development, whether assessed in relation to the two houses as one or Delph Gate on its own, would be significant and well above the 40% guidance figure contained within the SPD.
12. Taking all these matters into account, I therefore conclude that the proposed extensions would result in disproportionate additions over and above the size of the original building, contrary to paragraph 89 of the Framework, policy GN1 of the Local Plan and the SPD. The proposal therefore constitutes inappropriate development. Such development would, by definition, be harmful to the Green Belt as described in paragraph 87 of the Framework.

Openness

13. Paragraph 79 of the Framework advises that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It also advises that the essential characteristic of Green Belts is their openness and their permanence.
14. The proposed development would remove the enclosed porch and section of the garage that projects forward of the front elevation of Neston, together with the porch that projects to the side of Delph Gate. However, the increase in width of the main two storey element of the property, together with the additional infill extensions to the rear, would markedly increase its scale and bulk. The overall effect would be of a significantly larger, more intrusive building whose increase in scale would be readily apparent in public views from Scarth Hill Lane and the adjacent public footpath to the north. The proposal would therefore also adversely affect openness. This additional harm adds further weight against the proposal.

Character and appearance

15. The semi-detached pair of houses originally consisted of modest two storey dwellings. The two storey side extension to Neston, together with its projecting porch and garage, has unbalanced the symmetry of the pair. The proposed development would add a two storey extension to the side of Delph Gate, replace the projecting porch and garage with a more central entrance and regularise the rear of the building as a whole. The proposed rear extension would also be subservient in height to the main part of the building. As a result, the proposal would balance and improve the character and appearance of the building and the area, rather than adversely affect it. The proposal would therefore comply with policy GN3 of the Local Plan which requires the protection of the character and appearance of an area through high quality design that relates well to the existing building.

Other considerations

16. I have found that the proposal would be harmful to the Green Belt. It is therefore necessary to consider the material considerations, including the benefits of the proposal, put forward by the appellant, to determine whether they would amount to very special circumstances that would outweigh this harm and the harm that I have identified to openness.

Poor condition of Delph Gate

17. The house has been stripped internally back to the brickwork and the timber framework of its stud walls. As a result, it is currently in an uninhabitable condition. Whilst the proposed development would bring the house back into occupation it is not essential for it to return to use. It could simply be refurbished and reoccupied. The benefit of the proposed development in addressing the poor condition of Delph Gate therefore is a consideration in favour of the proposal to which I only attach limited weight.

Design of the proposal

18. The proposal in balancing the building and regularising its rear would improve the design and the character and appearance of the building. This is a matter to which I attach some weight in favour of the proposal.

Residential amenity

19. The proposed development would provide reasonable levels of privacy, amenity and sufficient garden space in accordance with policy GN3 of the Local Plan. However, as a requirement of new development the absence of harm in relation to these matters does not equate to a noteworthy benefit of the scheme. Consequently, I attach little weight to this consideration in favour of the proposal.

Conclusions

20. The harm by reason of inappropriateness in relation to the appeal scheme is added to by the reduction in openness. Paragraph 88 of the Framework advises that substantial weight should be given to the harm by reason of inappropriateness and any other harm to the Green Belt. Clearly, the degree of harm caused would be significant. I find that the other considerations put forward by the appellant fall far short of clearly outweighing the harm identified. I therefore conclude that very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to the Framework, policy GN1 of the Local Plan, the development plan as a whole and the SPD.

Ian Radcliffe

Inspector