The Planning Inspectorate

Appeal Decision

Site visit made on 14 November 2016

by A J Mageean BA (Hons) BPl PhD MRTPI

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

Decision date: 12th December 2016

Appeal Ref: APP/W4325/D/16/3157775
30 Overdale Avenue, Barnston CH61 1DB

- 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 Derek Jones against the decision of Wirral Metropolitan Borough Council.
- The application Ref APP/16/00750, dated 18 May 2016, was refused by notice dated 5 August 2016.
- The development proposed is demolition of existing garage and small rear extension, with an addition of a single storey side and rear extension.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and small rear extension, with an addition of a single storey side and rear extension at 30 Overdale Avenue, Barnston CH61 1DB, in accordance with the terms of the application, Ref APP/16/00750, dated 18 May 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 727: 01; 727: 02; 727: 03; 727: 04; 727: 05.

    3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The appeal site is within the Green Belt and so the main issues are:

    1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework);

    2) the effect on the openness of the Green Belt and the purposes of including land within it;

    3) whether the development would provide satisfactory living conditions for the occupiers of the neighbouring property with particular reference to outlook; and,

4) 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 the very special circumstances necessary to justify the development.

Reasons

3. The appeal building lies within the village of Barnston and is part of a residential cul-de-sac largely comprising modestly sized semi-detached dwellings. The intention is to demolish the existing garage and single storey rear extension and replace these with a single storey 'wrap around' side and rear extension.

Whether inappropriate development

4. The Framework establishes that new buildings within the Green Belt are inappropriate development unless, amongst other things, this relates to the extension of an existing building. This is acceptable providing that it does not result in disproportionate additions over and above the size of the original dwelling.

5. The existing flat roofed extension, which is located on the south western portion of the rear elevation of the building and projects some 3m into the garden area, appears to me to be a later addition to the original dwelling. The proposal would represent an increase in the size of the extension which would extend around 4m into the garden, occupying the full width of the rear elevation and additionally wrapping around to the side elevation. Whilst it would be set back from the front of the property, the side extension would project beyond the original side wall by around 2.7m.

6. The Council have not raised concerns about this extension being a disproportionate addition to the dwelling per se, and I have no reason to take a different view. Therefore I do not consider this scheme to represent inappropriate development in the Green Belt.

Openness

7. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Therefore openness is an essential characteristic of the Green Belt. In this particular case an assessment of the comparative size of the areas to be demolished and that proposed has not been provided. Nevertheless I view these areas to be broadly comparable, and therefore consider any impact on openness to be minimal.

Living conditions

8. The rear extension would be located immediately adjacent to the shared boundary with the adjoining property, No 32 Overdale Avenue. I observed on my site visit that No 32 has a conservatory on its rear elevation and a ground floor window between the conservatory and the shared boundary wall. I noted that this dwelling is sited on a somewhat larger plot, with more space on its north eastern side, and that it is further extended on this side. I also noted that the shared boundary wall is around 1.2m in height.

9. As the extension would project around 4m beyond the existing rear wall of both properties, the Council considers that it would not comply with the Wirral Supplementary Planning Guidance House Extensions 2004 (the SPG). This states that single storey rear extensions within 1m of the party boundary should not project more than 3m from the original rear wall of the property. Nevertheless, as the appellant points out, at the present time single storey extensions which extend attached houses between 3m and 6m are regarded as permitted development, providing that prior notification requirements are followed and there are no objections from neighbouring occupiers. I understand that no objections have been received in relation to the present proposals. This matter is therefore a material consideration in this case.

10. The presence of the existing boundary wall and the fact that the extension would have a pitched roof, progressively reducing in height further away from the rear elevation of these dwellings, would serve to reduce the impact of this extension on the occupiers of the neighbouring property. I accept that the extension would be clearly visible when viewed from the ground floor rear window of No 32 which lies adjacent to the shared boundary. However, overall I do not consider that the extension would have an over-dominant impact or lead to the creation of a sense of enclosure for the occupiers of No 32, particularly noting that this property is sited in a more spacious plot.

11. I therefore conclude that the proposed extension would not be detrimental to the living conditions of the occupiers of the neighbouring property with particular reference to outlook. It would therefore comply with the Wirral Unitary Development Plan 2000, Policy HS11, and the SPG which require that development should not be unduly dominant in relation to neighbouring properties.

Conclusions

12. For the reasons given, the proposal would not be inappropriate development in the Green Belt, would not harm openness and would not be detrimental to the living conditions of neighbouring occupiers. It would therefore be acceptable when assessed against the Framework taken as a whole. To ensure a satisfactory appearance the development should be carried out in accordance with approved plans, and the external materials should match the existing house. Subject to these conditions the appeal should succeed.

AJ Mageean

INSPECTOR