
Appeal Decision

Site visit made on 10 January 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 31st January 2017

Appeal Ref: APP/G4240/D/16/3161200

Werneth Bungalow, Werneth Low Road, Hyde SK14 3AA

- 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 T Pagett against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 10/00725/FUL, dated 25 July 2016, was refused by notice dated 14 September 2016.
 - The development proposed is erection of detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of detached garage at Werneth Bungalow, Werneth Low Road, Hyde SK14 3AA in accordance with the terms of the application, Ref 10/00725/FUL, dated 25 July 2016, and the plans submitted with it 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 Drawing No 1137/11/C dated January 2016.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those approved for the construction of external surfaces of the host dwelling under Planning Permission Ref 15/00074/FUL.

Procedural Matter

2. In order to assist me in my consideration of the appeal the parties were asked to provide written confirmation of the floor areas of the proposed garage and the replacement dwelling which is currently under construction of the site.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

4. Planning permission was granted in May 2015 (Ref 15/00074/FUL) for the replacement of the original house on the appeal site with a new 2 storey dwelling with integral garage. That permission has been implemented and I saw on my site visit that the much of the internal block walling to the ground
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floor has been completed. Planning permission has been separately granted for a detached single garage (Ref 15/00501/ FUL) to the east of the new dwelling and the appeal proposal seeks permission to construct a double garage in the same general location as the single garage already approved.

5. The appellant has promoted the appeal with reference to two of the bullet points within paragraph 89 of the National Planning Policy Framework (Framework) which set out the exceptions to the general policy presumption against the construction of new buildings in the Green Belt. However, as the, the current proposal relates only to a proposed garage on a small part of the larger curtilage of the original house, the proposal cannot reasonably be considered to constitute the comprehensive development of the site as envisaged under the sixth bullet of paragraph 89.
6. In my view the proposal falls to be considered with regard to the third bullet of paragraph 89. That bullet states that the extension or alteration of a building in the Green Belt is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. The glossary to the Framework advises that 'original building' means the building as it existed on the 1 July 1948 or, if it was constructed after that date, as it was built originally. In this case the 'original building' is that which is currently being constructed under the planning permission granted in May 2015. It does not matter for the purposes of applying the tests in the third bullet of paragraph 89 that the building was approved as a replacement for a previous building on the site or that it has not yet been completed.
7. Although the proposed garage would be detached it would be in very close physical proximity to the new house and would be used in connection with and ancillary to the use of the house as a dwelling. In line with the judgment in *Sevenoaks District Council v SSE and Dawe*¹ (1997) the proposed garage would be an important domestic adjunct to the dwelling notwithstanding that it would be physically separated from it and can, accordingly, be treated as a proposed extension to the dwelling.
8. The proposed double garage would be of single storey height and would have a floor area of approximately 66 square metres (sq. m). In accordance with the planning permission Ref 15/00074/FUL the total floor area of the new dwelling including its integral garage is 301 sq. m. Accordingly, the proposal would result in an increase in the floor space of the dwelling of the order of 22%. The Framework does not include guidance as to what scale of increase might be considered to be disproportionate and I have not been made aware of any guidance or policy adopted by the Council on this matter. However, in my experience, many local planning authorities apply a 30% threshold as a guide to what might be acceptable.
9. The increase represented by appeal proposal would fall below that figure by some degree and, in my judgement, would not result in a disproportionate addition over and above the size of the original house. Accordingly, I find that the proposal falls within the scope of the exception set out in the third bullet of paragraph 89 and would not constitute inappropriate development in the Green Belt.

¹ (1997) High Court – Queens Bench Division CO 1322-97

10. The proposal would inevitably lead to some loss of openness but, in view of my finding that it would not be inappropriate development, I consider that this effect would be very limited, in particular in comparison to the effect of the single garage for which planning permission has previously been granted. Regard must also be had to the Court of Appeal judgment in the Lee Valley Regional Park case², endorsing an earlier High Court judgment, that, if a development proposal is found not to be inappropriate applying paragraph 89, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within the Green Belt.

Conditions

11. In order to ensure an appropriate quality of development which fits in with and complements the design of the new dwelling on the site conditions are needed which link the planning permission to the approved plans and which require that the external materials used for the construction of the garage match those approved for the host dwelling.

Conclusion

12. For the reasons set out above I find that the proposal would not be inappropriate development in the Green Belt and that no conflict would arise with the policies in section 9 of the Framework. Accordingly, I conclude that the appeal should succeed.

Paul Singleton

INSPECTOR

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404