

Appeal Decision

Site visit made on 18 April 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/W4223/D/16/3167713

3 Mill Croft Cottage, Mill Croft Lane, Delph, Oldham OL3 5UX

- 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 David John Meagher against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/339020/16, dated 10 March 2016, was refused by notice dated 31 October 2016.
 - The development proposed is 1) single storey front extension 2) single storey rear extension and 3) single storey side extension.
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Decision

1. The appeal is dismissed in so far as it relates to the single storey side extension. The appeal is allowed in so far as it relates to the single storey front extension and single storey rear extension, and planning permission is granted for a single storey front extension and single storey rear extension at 3 Mill Croft Cottage, Mill Croft Lane, Delph, Oldham OL3 5UX in accordance with the terms of the application Ref HH/339020/16, dated 10 March 2016, so far as relevant to that part of the development hereby permitted, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal upon the openness of the Green Belt;
 - the effect of the size, scale, siting and design of the proposed extensions upon the setting of the neighbouring listed buildings;
 - the adequacy of car parking / manoeuvring space and the effect upon pedestrian and highway safety; 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 the very special circumstances necessary to justify development.
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Main Issues

3. The appeal site falls within land defined as Green Belt. It is an end of terrace dwelling within a small hamlet of mainly residential properties some of which are grade II listed (i.e. Mill Croft Cottage and Mill Croft Farm). According to the Council's delegated officer report, the site was originally occupied by an agricultural/farm building up until approximately 1980 when it was demolished and replaced by a new building comprising an office and store. This use continued up until 1989 when planning permission was granted to convert the building into a dwelling house. Since this time a two storey side extension has been erected which follows the building and roof lines of the original property.
4. It is proposed to erect a single storey porch and garden room to the rear and a single storey porch/utility room to the front. In addition, it is proposed to erect an attached single storey pitched roof garage on the gable/side elevation of the dwelling measuring approximately 3.7 metres in width, 6.0 metre in length and with a ridge height of 3.5 metres. All materials would match the existing property.

Whether the proposal would represent inappropriate development

5. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
6. Paragraph 89 of the National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this are *"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"*.
7. The Framework does not specify what might be a disproportionate addition over and above the size of the original building. Furthermore, I have not been provided with local policies or guidance from the Council which might define what is considered to be disproportionate. However, I have been provided with copies of the planning application drawings (and accompanying Council reports/decisions) which show the appearance and scale of the host dwelling in 2009. At this time, planning permission was approved for a two storey side extension to the dwelling (Ref HH/05749/09) and such development has now been implemented. The Council state that this *"alone amounted to an increase of approximately 44% over and above the volume of the original dwelling"*. I have no reason to dispute this figure.
8. As the approved and built two storey side extension has increased the volume of the original building by about 44%, I consider that any additional extensions to the building would be disproportionate. The proposal includes three additional extensions which would collectively amount to disproportionate additions over and above the size of the original building. Therefore, the proposal would represent inappropriate development in the Green Belt.

Openness

9. Paragraph 87 of the Framework states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. In this case, I have found that the proposal would

represent inappropriate development in the Green Belt and that the extensions would be disproportionate. Therefore, the proposal would have an impact on the openness of the Green Belt. When considered in conjunction with the approved and built two storey side extension the proposed extensions would result in a materially enlarged dwelling. Therefore, I conclude that the impact on the openness of the Green Belt would be significant.

Any other harm – design and setting of listed buildings

10. The proposed garage would be attached to the gable elevation of the host dwelling and would be sited in a prominent location on the corner with Mill Croft Lane. Its prominence can also be viewed from longer distance views including from Old Pack Horse Road.
11. I have been able to view the gable elevation of the property before the two storey extension was built. The original gable elevation had an authentic rural simplicity and it included some symmetry in terms of its window openings. The two storey extension to the property has continued to reflect these positive attributes: it is a flat elevation and there is a regularity and symmetry to the window openings.
12. When viewed from Mill Croft Lane and the lane to the side/rear of the property, the absence of any extensions to the otherwise simple and “blocky” nature of the host property adds positively to the rural character of the area and to the setting of the nearby grade II listed buildings. I acknowledge that there do appear to have already been some alterations/additions made to surrounding properties, but these are relatively minor and their existence does not alter my view about the existing character and appearance of the appeal dwelling and its contribution towards the setting of the listed buildings.
13. The Council has already approved development (2014) to the front and rear of the property. Apart from some very minor changes, the proposed single storey front and rear extensions are almost identical to the approved development. This planning permission (HH/335476/14) is still capable of being implemented and therefore it amounts to a very weighty material planning consideration. In this context, I agree with the Council that it would be unreasonable to refuse these proposals. Such development would, to some extent, detract from the simple character and appearance of the host building, but such proposals would be more modest in scale than the proposed attached garage. In this case, I conclude that the existence of the extant planning permission for the single storey front and rear extensions outweighs the limited harm that would be caused to the design of the host dwelling and setting of the listed buildings.
14. Notwithstanding the above, and in the absence of any approved development on the side elevation of the host dwelling, I consider that the proposed attached garage would detract significantly from the symmetrical and simple appearance of the gable of the host dwelling. Owing to both its length and its prominent position it would result in a property which has a much more urban appearance when viewed within its countryside setting. Furthermore, and when considered in conjunction with the proposed front and rear extensions, it would have the overall effect of a creating a non-cohesive collection of extensions which would cause harm to the character and appearance of the dwelling and the overall setting of the listed buildings.

15. I note that a detached garage has already been approved as part of planning permission No HH/335476/14. However, this is a very simple building with a mono-pitch metal roof. As it is detached it does not interrupt the simple and symmetrical appearance of the gable of the appeal property. In relative terms it has much more agricultural appearance and so would assimilate well into the rural landscape. I do not therefore agree with the appellant that it is a case of simply swapping a detached garage for an attached garage. The two proposals are very different with the proposed attached garage being higher and much more suburban in appearance in what is an essentially rural setting.
16. For the reasons outlined above, I conclude that the proposed garage would cause harm to the character and appearance of the host dwelling and to the setting of the nearby listed buildings. Therefore, the proposed attached garage would not accord with the design and conservation aims of Policy 24 of the adopted Oldham Local Development Framework DPD – Joint Core Strategy and Development Management Policies 2011(Local Plan) and the Framework.

Any other harm - car parking and manoeuvring space

17. The driveway leading to gable of the property can accommodate a number of vehicles. However, owing to its width it is difficult to turn vehicles around so that they can leave the site in forward gear. Consequently, I have no reason to doubt the appellant's comment that it is necessary to either reverse vehicles into or out of the drive. It is understood that the appellant currently reverses onto the drive from the lane. Whilst the garage would reduce the amount of driveway that currently exists, there would nonetheless continue to be the same amount of space overall for the parking of cars. The amount of space in front of the garage and the lane would be more than adequate for the parking of cars even if account is made for the requirement for an up and over door. I am satisfied that the proposal would therefore retain enough car parking spaces on-site.
18. Whilst the proposal would mean that vehicles could not turn within the site, this would be no worse than current arrangements. As part of my site visit, I was able to see that Mill Croft Lane was lightly trafficked and that speeds were very low. Taking this into account, as well as current parking arrangements, I do not consider that reversing into or off the appeal site would cause significant or severe harm to matters of highway safety.
19. The proposal may have some adverse impact from a visitor parking point of view. This would be the case if the garage was not used and two cars were immediately parked in front of the garage. This would mean that visitors had to find somewhere to park on the adjacent roads which are for the most part narrow. However, this would only happen if the occupiers of the proposed property did not make efficient use of the driveway and the garage for the parking of cars. I can see no reason why the occupiers of the property would not ensure that that efficient use was made of parking spaces.
20. For the collective reasons outlined above, I conclude that there would not be insufficient room in front of the garage for vehicles to park and that given current parking arrangements and highway conditions the erection of the attached garage would not give rise to unacceptable vehicle manoeuvring or cause severe harm to matters of highway/pedestrian safety. I therefore

conclude that the proposal would accord with the highway/pedestrian safety aims of Policy 9 of the Local Plan and the Framework.

Other considerations

21. The appellant has commented that there is a garage on the other end of the terrace and that the proposed garage would provide a "book end". I accept that this development does exist, but it is not positioned in as prominent a location as the proposed garage. In any event, I do not consider that the existence of such a garage should justify development which would cause harm to the host dwelling and the setting of the listed buildings. Such a garage has a very suburban appearance, which is at odds with the majority of the rest of the collection of buildings in the area.

Other Matters

22. I have taken into account representations made by other interested parties. Many of the comments made have already been addressed in this decision. The grant of planning permission would not override any restrictive covenants relating to the appeal site.
23. I have considered the comments made by the occupiers of Mill Croft Cottage and given the position and scale of the proposed development it would not lead to a material loss of light into the kitchen window.
24. The appellant has referred me to a stable building to the north of the appeal site and on the other side of Mill Croft Lane. This is partly screened from public views by roadside vegetation and, in any event, its existence does not alter or outweigh my conclusions on the main issues.
25. None of the other matters raised outweigh my overall conclusions on the main issues.

Planning Balance

26. Overall, the proposal would amount to inappropriate development in the Green Belt. Harm would therefore be caused to the openness of the Green Belt.
27. The extension to the front and rear would be relatively modest in scale and whilst there would be some harm caused to the character and appearance of the host dwelling, and the setting of the listed buildings, the existence of an extant planning permission for almost identical single storey front and rear extensions represents a very weighty material planning consideration. Therefore, on balance, the substantial weight to be given to Green Belt harm, and any other harm, arising from the single storey front and rear extensions is clearly outweighed by other considerations (i.e. the extant planning permission fall-back position) sufficient to demonstrate very special circumstances.
28. Notwithstanding the above, the substantial weight to be given to Green Belt harm, and any other harm, arising from the proposed single storey attached garage is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. Even if I had found, on balance, that the single storey attached garage was acceptable, this would still have resulted in the appeal being dismissed. This is because I have no mechanism before me (i.e. a planning obligation) which would prevent both the approved detached garage and the proposed attached garage being built. A planning condition

would not have been appropriate as the implementation of an existing planning permission cannot be prevented by a condition attached to a subsequent planning permission. It has not, however, been necessary for me to consider pursuing a planning obligation as I have concluded that the proposed garage would be unacceptable for a number of reasons.

29. As the proposed single storey front and rear extensions are both physically and functionally separate from the proposed garage extension, I shall issue a split decision and allow only the single storey rear and front extensions and not the single storey side extension (i.e. the attached garage).

Conditions

30. Planning permission is granted subject to the standard three year time limit condition.
31. Otherwise than as set out in this decision and conditions, it is necessary that the approved development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
32. In the interests of the character and appearance of the area, it is necessary to impose a materials condition.

Conclusion

33. For the reasons outlined above, and having regard to all other matters raised, I conclude that I should issue a split decision with the single storey front and rear extensions allowed and the single storey side extension dismissed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans: 1:1250 Location Plan and Drawing 32 'A' 2.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.