

Appeal Decision

Site visit made on 21 April 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 10 May 2017

Appeal Ref: APP/R0660/D/17/3170321

Glengarry, Middlewich Road, Lower Peover, WA16 9PN

- 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 Jon Flatman against the decision of Cheshire East Council.
 - The application Ref 16/4300M dated 1 September 2016 was refused by notice dated 9 January 2017.
 - The development proposed is the erection of two storey rear extension, single storey side extensions with amended elevational treatment to existing house, replacement of roof and erection of detached garage with amended access, landscaping, boundary treatment.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, construction works had commenced at the appeal site. It was not clear whether this was in connection with the appeal proposal. For clarity, I am considering the appeal based on the submitted plans.

Main Issues

3. The appeal site lies within the Green Belt and I therefore consider the main issues are:
 - Whether or not the development subject of this appeal represents inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt;
 - If it does amount to inappropriate development, whether the harm by way 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

Inappropriateness

4. Paragraphs 89-90 of the National Planning Policy Framework (Framework) define those categories of development, which may be regarded as
-

inappropriate, subject to certain exceptions. One of those exceptions states that the extension or alteration of a building is not inappropriate in the Green Belt provided it does not result in disproportionate additions over and above the size of the original building. Policy GC1 of the Macclesfield Borough Local Plan (Local Plan) states that within the Green Belt, approval will not be given for the construction of new buildings except for a number of purposes which are set out in the policy. I note the difference in terminology between Policy GC1 of the Local Plan, which refers to 'limited extension or alteration of existing dwellings' rather than 'disproportionate additions over and above the size of the original building' within the Framework. However, the policy is generally consistent with the Framework's aim of protecting the openness of Green Belts.

5. Policy GC12 of the Local Plan is also referenced and states that alterations and extensions to existing houses in the countryside may be granted for up to 30% of the original floor space subject to other matters. The policy also sets out a number of criteria that provide an exception to this limit. The appellant has stated that they do not consider this policy to be up-to-date as it imposes a more rigid approach to extensions in the Green Belt than the Framework, as the 30% limit is not considered to be the holistic approach required by the Framework when assessing 'disproportionate additions'. I do not however consider that a numeric limit on the increase in floor space to be necessarily contrary to the Framework but I do accept that other factors, such as the form of a development, need to be considered in establishing whether an extension would result in a disproportionate addition.
6. The floor area of the original dwelling has been set out as 125sqm. The proposal, alongside previous additions has been calculated by the Council to result in a 112% increase in floorspace from the original dwelling, well in excess of the 30% set out in Local Plan Policy GC12. The appellant has made reference to an alternative development proposal, using permitted development rights, which the Council have approved a Certificate of Lawfulness for. I acknowledge that effects of such a development need to be considered as part of this appeal application. I do not however consider that the proposal would be less harmful to the Green Belt as it would have a significantly larger first floor element than the first floor part of the permitted development scheme. I accept a development over two storeys rather than just on the ground floor can sometimes result in a more concentrated form of development. In this instance, however, the extent of the first floor projection at 7.3m compared to the permitted development scheme's projection at 3m, would result in a sizable addition to the property, in a prominent first floor position. The proposed development would add significantly to the dwelling and would be a disproportionate addition.
7. Policy GC12 of the Local Plan provides exceptions where larger extensions will be permitted but I have not been made aware of whether any of the exceptions apply in this case.
8. I therefore conclude that the proposed development amounts to inappropriate development, which is, by definition, harmful to the Green Belt. As such, it conflicts with Policies GC1 and GC12 of the Local Plan and with Paragraph 87 of the Framework, which specifies that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

9. Paragraph 79 of the Framework notes that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. I acknowledge that the concept of 'openness' is not narrowly limited to a volumetric approach and other factors such as how built up the Green Belt is and would be following the development need to be considered. Other than the presence of a neighbouring property however, I was able to see at the time of my site visit that the site is in an open countryside location. The proposal, as an additional form of built development would therefore reduce the openness of the Green Belt.
10. I therefore consider that the proposed development would harm the openness of the Green Belt and that there would be conflict with Paragraph 79 of the Framework and Policy GC1 of the Local Plan.

Other Considerations

11. The proposed development constitutes inappropriate development, harmful to the Green Belt. The presumption against inappropriate development means that this harm alone attracts substantial weight. The development would also reduce the openness of the Green Belt. The Framework makes it clear that substantial weight should be given to any harm to the Green Belt.
12. The appellant has referenced the Framework which seeks good design and has indicated that the proposal represents a better design than the permitted development scheme. Apart from the reference to an extension being split over two floors rather than just at ground level, no information has been provided on how the appeal development represents a design improvement on the fallback position. This is therefore a neutral consideration and not a matter which weighs in favour of the appeal development.
13. Reference has been made to a number of appeal decisions¹ on other sites and also to an approval at the appeal site. Although some details of these have been provided, I am not aware of the full circumstances of those cases. I can confirm that I have determined this appeal on its own merits.
14. Consequently the very special circumstances necessary to justify the development do not exist and the development would be contrary to the Framework.

Conclusion

15. Having had regard to all the matters before me, including reference to guidance on permitted development, I find nothing to materially affect my findings above. The appeal must therefore fail.

F Rafiq

INSPECTOR

¹ APP/R0660/D/15/3035887, APP/R0660/D/16/3152865