
Appeal Decision

Site visit made on 3 May 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 18th May 2017

Appeal Ref: APP/M0655/D/16/3161853

29 Deans Lane, Thelwall, Warrington, WA4 2TN

- 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 Miss Hayley Cooper against the decision of Warrington Borough Council.
 - The application Ref 2016/28149, dated 25 May 2016, was refused by notice dated 16 August 2016.
 - The development proposed is a rear single storey garden room measuring 2.5m x 3m.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this case are a) whether the proposal is inappropriate development; b) the effect of the proposal on the openness of the Green Belt and its purposes; c) if the proposal 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. Policy CS5 of the Council's Local Plan Core Strategy (CS) (2014) states that development proposals within the Green Belt will be approved where they accord with relevant national policy. The National Planning Policy Framework (the Framework) advises that, other than in the case of a number of specified exceptions, the construction of new buildings within the Green Belt is inappropriate. The listed exceptions include 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.
4. The Council's SPG 'Extensions within the Green Belt' says that the Council generally considers an increase in floorspace of more than a third (both previous and proposed extensions) added to the original dwelling within a Green Belt area would be disproportionate. I have, however, given limited weight to this as it was adopted prior to the Framework which does not provide detailed guidance on such matters and have undertaken my own assessment.
5. The appeal dwelling is an end terrace house that has previously been extended with a single storey side and two storey rear extensions. A rear conservatory

was under construction at the time of my visit. The Council says that the previous extensions result in an increase of some 69 sq m, increasing the floor area by 78%. The additional floorspace from the proposed garden room would give a combined increase of 87%. These figures are not disputed by the appellant. I consider, therefore, that the proposal, together with the previous extensions to the property, would amount to a disproportionate addition over and above the size of the original building. Accordingly, the proposal is inappropriate development in the Green Belt.

6. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. I must attach substantial weight to this harm.
7. The proposed garden room would extend the dwelling by a very small amount over an existing patio to the rear. As a result, the openness of the site and the Green Belt would be reduced very slightly. The extent of the loss would be very small and the extension would not be seen in public views given its siting to the rear. Nevertheless, it gives rise to further conflict with the Framework, which advises that openness is an essential characteristic of Green Belts. Accordingly, it adds, to a very limited extent, to the harm to the Green Belt.
8. The appellant would like to provide wheelchair access to the kitchen area, a view of the garden and easier access to the downstairs bathroom for her mother, thereby enabling her to live there rather in local care. Having seen the internal layout of the property, I am not persuaded that those are essential needs or that this is the only way of providing for those matters and that the conservatory under construction could also do that. Nor am I convinced that the desire for more light in the dining room or the prevention of problems from a channel gutter are significant factors that can only be addressed through this proposal. I have noted that the footings for the proposed garden room have already been approved by the Council's building inspector but Buildings Regulations are a separate matter from planning permission. The advice of a planning officer is not legally binding and the Council was entitled to reach its own view. I have noted that the houses opposite have recently been granted permission for gardens on Green Belt land but this proposal differs in that it is for a building rather than for a use of land. I am satisfied that the proposal would not have a harmful effect on the living conditions of neighbouring residents but this is a neutral factor rather than a positive benefit. Accordingly, I attach only limited weight to these considerations.

Conclusion

9. Whilst I accept that this proposal is very small in scale, it is important that decisions are made with consistency. In this case, I am not persuaded that there are sufficiently compelling personal circumstances or other considerations that when taken together would amount to the very special circumstances necessary to justify the development. The proposal would conflict with policy CS5 in the development plan and the Framework as a whole and there are no other material considerations that warrant determining the appeal otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector