
Appeal Decision

Site visit made on 16 May 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 19 May 2017

Appeal A Ref: APP/M0655/D/17/3169327

48 Oughtrington Lane, Lymm, Warrington, WA13 0QT

- 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 Andrew Dugdale against the decision of Warrington Borough Council.
 - The application Ref 2016/29498, dated 20 December 2016, was refused by notice dated 9 February 2017.
 - The development is a "single storey extension to the side of the house – existing side extension demolished".
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Appeal B Ref: APP/M0655/D/17/3168074

48 Oughtrington Lane, Lymm, Warrington, WA13 0QT

- 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 Andrew Dugdale against the decision of Warrington Borough Council.
 - The application Ref 2016/28880, dated 26 August 2016, was refused by notice dated 21 December 2016.
 - The development is a summerhouse to the front.
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Decisions

Appeal A Ref: APP/M0655/D/17/3169327

1. The appeal is allowed and planning permission is granted for a "single storey extension to the side of the house – existing side extension demolished" at 48 Oughtrington Lane, Lymm, Warrington, WA13 0QT in accordance with the terms of the application, Ref 2016/29498, dated 20 December 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawings POV 3 & POV 4.

Appeal B Ref: APP/M0655/D/17/3168074

2. The appeal is allowed and planning permission is granted for a summerhouse to the front at 48 Oughtrington Lane, Lymm, Warrington, WA13 0QT in accordance with the terms of the application, Ref 2016/28880, dated 26 August 2016.
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Application for costs

3. An application for costs was made by Mr Andrew Dugdale against Warrington Borough Council in respect of Appeal A. This application is the subject of a separate Decision.

Procedural Matter

4. I have used the Council's description of development for appeal B as it is more concise than the appellant's. However, I have removed "retrospective permission sought for retention of" as these words do not describe an act of development.
5. The summerhouse has been erected and the extension is partially built.

Main Issues

6. The appeal site is in the Green Belt so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework, including the effect upon openness;
 - The effect of the extension upon the character and appearance of the host dwelling and the wider area.

Reasons

Whether or not the proposed development would represent inappropriate development, including the effect upon openness

7. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless they fall within certain exceptions which include, under bullet point 3, the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Council's Officer Report indicates that the summerhouse can be assessed on the basis of it being an extension to the existing dwelling. As the summerhouse it is very close to the dwelling and is functionally part of it, I agree with that assessment.
8. The Council argues that the extensions are disproportionate additions over and above the size of the original dwelling. However, in coming to this conclusion, the Council has not included a rear element of the house as constituting part of the original floorspace. Instead, it has treated it as added floorspace.
9. The appellant says that this element of the building has not added floorspace as it replaced a previous brick store but the Council dispute the existence of the previous structure. The Council's stance is based on a 2005 aerial photograph which does not show the brick store.
10. However, just because a structure was demolished and not yet replaced in 2005 does not mean that it never existed. It simply means that it was not replaced by that date. The house is one of 4 semi-detached dwellings and the appellant says that all 4 of these houses were originally built with a garden store. He has submitted evidence to support this claim which includes a photograph of the rear of one of the dwellings which still retains its store; two site plans – which he says are from 1994 and 1993 which show the footprint of

a structure; historic estate agents details of the house which describes the garden store; a photograph of the store taken from the inside; and a letter from the occupant of No54 who bought his house in 1978. This neighbour says that all four houses, Nos 48-54, had a storeroom. Given this substantial amount of evidence, I am persuaded that a structure existed where the newer part of the outrigger now stands. Therefore, this being the case, the Council's calculations are incorrect. Given these factors, the appellant's calculation, demonstrating that both extensions increase the original floorspace by a total of some 35%, is more realistic than the Council's much higher figure.

11. The Council's *Supplementary Planning Guidance G, Extensions within the Green Belt* indicates that, as a guideline, the Council generally considers an increase in floorspace of more than a third to be disproportionate. One third is 33.3% and the proposed total increase in floorspace, as a result of the extensions, would be some 35%. The proposed extensions would exceed this figure but only by a *de minimus* amount.
12. Therefore, it is my assessment that the proposed extensions do not result in disproportionate additions over and above that of the original building and do not constitute inappropriate development. Any extension would have some effect upon openness but as I have found that the development is not inappropriate under Bullet Point 3, the effect upon openness is, automatically, acceptable.
13. Consequently, I find no conflict with the Framework or with Policies CS5 and CC2 of Warrington's Local Plan Core Strategy (WLPCS) which, in combination, seek to protect the Green Belt and the countryside.

Character and Appearance

14. The side extension is fairly wide but its width is compensated for by it being set back a substantial distance from the principal elevation of the house. Furthermore it is only single storey. I appreciate that it would have a flat roof but such a roof would minimise its bulk and as the roof would not be connected to the main hipped roof, I consider that the contrast in roof forms would look acceptable. The roof lantern would not be prominent and would not detract from the appearance of the house.
15. The summerhouse is a small wooden structure which is situated to the side of the drive. The front garden area of the house is fairly large and is set amongst trees and other planting. Within this context I consider that the summerhouse looks subordinate and unobtrusive alongside the existing dwelling.
16. I therefore conclude that the proposed development has an acceptable effect upon the appearance of the host building and the wider area. Therefore I find no conflict with WLPCS Policy QE7 which seeks to ensure that development is visually attractive and respects existing buildings and the local area. Neither do I find conflict with the aims and objectives of the Council's House Extension Guidelines which have similar objectives.

Conditions

17. I have considered the Council's suggested condition in accordance with the Planning Practice Guidance. In the interests of precision, it is necessary to define the plans to which Appeal A relates.

Conclusion

18. Both appeals are allowed.

Siobhan Watson

INSPECTOR