

Appeal Decision

Site visit made on 30 May 2017

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 5th June 2017

Appeal Ref: APP/D2320/D/17/3168896

The Grange, Preston Road, Coppull, Lancashire PR7 5HY.

- 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 & Mrs A Lems against the decision of Chorley Borough Council.
 - The application Ref: 16/00766/FULHH, dated 16 August 2016, was refused by notice dated 16 November 2106.
 - The development proposed is the erection of a replacement detached garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement detached garage at The Grange, Preston Road, Coppull, Lancashire PR7 5HY in accordance with the terms of the application, Ref: 16/00766/FULHH, dated 16 August 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 the following approved plans:
 - 16.20.01 – Site Location
 - 16.20.02 Revision C – Proposed plan, elevations and site layout
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues in the appeal are:
 - (a) Whether the proposal constitutes inappropriate development in the Green Belt, and the effect on the openness and purposes of the Green Belt;
 - (b) The effect on the character of the landscape and the visual impact of the proposal;
 - (c) If the development is inappropriate, whether the harm by inappropriateness, and any other harm, is clearly outweighed by other considerations put forward in favour of the proposal so as to amount to
-

the very special circumstances necessary to justify development (the planning balance).

Reasons

Whether inappropriate, openness and purposes

3. Dealing first with the category of development into which this proposal falls I do not accept the view that it should be treated as an extension or alteration of a building as described in paragraph 89 of the National Planning Policy Framework (NPPF). I recognise that the householder application form refers to an application for works or extension to a dwelling and this replacement garage would fall into the category of works. It would not be an extension. I note that the application form as completed does not seek to define the proposal as anything other than a replacement for an existing detached garage. It seems to me that as a replacement detached garage this can lead only to the conclusion that the development must be considered under the category of being a replacement building as set out in NPPF paragraph 89. As such the development would not be inappropriate if in the same use and not materially larger than the one it replaces. There is no dispute that it would be in the same use.
4. The quantification of a replacement being materially larger is not expanded on in more detail in the NPPF. It is a matter of judgement based on the particular case in question. However, some indication of what might be acceptable in the Council's area can be gleaned from the house extensions policy (HS5) of the Chorley Local Plan (albeit that this is not an extension). That policy suggests that a disproportionate increase is likely to be in the region of a 50% increase in volume or greater. However I do not suggest that a 'disproportionate increase' should be seen as the same as a finding of 'materially larger'.
5. Here the proposed garage would replace an existing garage. Each would be single storey and each would be wide enough to take 2 cars abreast. Eaves height would be similar but overall height would increase by about 20%. Overall width would increase by a slightly greater percentage. The greatest increase, though, would be in the length of the garage, which would rise from some 6m to about 10.6m. The overall increase in volume of about 45% is not disputed.
6. The proposed garage would be located in an inconspicuous position, surrounded by vegetation. In reality the only place from where the building would be seen is within the Appellant's own property. Although there would be some impact on the openness of the Green Belt, any such impact would be barely discernible. The garage would be in the same use as the current building and it would not, in the context of the size of the Appellant's nearby house, read as a building of a greater scale than that already occupying the site. Similarly, although encroaching onto a greater area of the Green Belt, any physical encroachment would be almost imperceptible.
7. Taking the above matters into consideration I have reached the conclusion that the particular circumstances here mean that the development can in this case be judged as not being materially larger than the building it would replace. As such it can be regarded as not inappropriate in the Green Belt, with no material impact on openness or the purposes of including land in the Green Belt. There is therefore no conflict with the policy set out in the NPPF.

Other Issues

8. In relation to the second issue identified above it is clear that the Council has no fundamental concerns other than with the materials proposed for the building. This can be conditioned. In my judgement, with appropriate materials, the garage proposed would be an improvement on the timber and felt roofed structure currently on site. To that extent it would comply with Local Plan Policy BNE1 and bring some visual enhancement to the locality.
9. The third issue above does not now come into play in light of the fact that I have found the proposal to be not inappropriate.

Other Matters

10. Several other matters have been raised in representations which I deal with here. First, the matter of the potential conversion of the garage to a separate dwelling. This is something which remains in the control of the Council and therefore plays no part in the case before me. Secondly, the fact that shrubbery would be affected (by its removal) to make space for the extended garage is of little weight since this vegetation is a minor part of the garage surroundings and its removal would not have a material visual impact. Thirdly, the matter of the maintenance of the private driveway serving the property is not a matter which can be taken into account in a planning appeal, but is a matter between the parties concerned. Fourthly I am told that there is a listed building nearby. I do not have details of the building in question but in any event the secluded nature of the appeal site leads me to conclude that there would be no impact on the setting of any other building as a result of this development.
11. No other matters brought to my attention are sufficient to play a material part in my decision or make any difference to that decision.

Conditions

12. As noted above, the materials used on the replacement building can be controlled by condition. This is reasonable and necessary in order to ensure a satisfactory form of development. Similarly a condition specifying the approved plans would be reasonable, for the same reason.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Philip Major

INSPECTOR