
Appeal Decision

Site visit made on 17 October 2017

by Katie McDonald MSc MRTPI

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

Decision date: 9 November 2017

Appeal Ref: APP/M0655/D/17/3180200

15 Broseley Lane, Culcheth, Warrington, Cheshire WA3 4HP

- 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 Gary Webb against the decision of Warrington Borough Council.
 - The application Ref 2017/30211, dated 31 March 2017, was refused by notice dated 16 June 2017.
 - The development proposed is a single storey rear extension plus installation of bifold doors to rear ground floor elevation and double doors with Juliet balcony to rear first floor elevation.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by both parties. These applications are the subject of a separate Decision.

Main Issues

3. The site is within the Green Belt. Accordingly, the main issues are:
 - i) Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
 - ii) The effect of the development upon the openness of the Green Belt; and,
 - iii) 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 'very special circumstances' necessary to justify the development.

Reasons

Whether the proposal is inappropriate development within the Green Belt

4. The proposal is for a single storey rear extension and changes to fenestration. The Framework details that the construction of new buildings are inappropriate in Green Belt, an exception to this being 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. Policy CS 5 of the Local Plan Core

Strategy (July 2014) (CS) sets out that development proposals within the Green Belt will be approved where they accord with relevant national policy.

5. The Council's Supplementary Planning Guidance - House Extensions (December 2003) (SPG) advises that as a guideline, the Council generally considers an increase in floor space of more than a third added to the original dwelling within the Green Belt would be disproportionate. Whilst this pre-dates the Framework, I find that its guidance is relevant to this appeal in terms of disproportionality.
6. The original dwelling has been previously extended, and this proposal would cumulatively result in around a 51% increase in floor space. Assessing proportionality is a matter of judgement, but is also a relatively objective test based on size, both floor space and volume. I acknowledge that the existing extensions are significant and this proposal would add only a moderate amount of additional development. However, when comparing the original building to the one that would result from the proposal, the cumulative additions would be disproportionate. Thus the proposal is inappropriate development within the Green Belt.
7. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

8. The Framework states that an essential characteristic of Green Belts is their openness. Whilst the proposal may appear as a modest addition to the existing dwelling, amounting to around 10 square metres, it would nevertheless increase the cumulative bulk of the building taking account of previous additions and would thus reduce openness. However, in isolation, the loss of openness would be modest given the location of the proposal to the rear corner of the dwelling.

Other considerations

9. The appellant suggests that there is a potential for the building to be extended by using permitted development rights under Schedule 2, Part 1, Class A (f) or (g) of The Town and Country Planning (General Permitted Development) (England) Order 2015. However, I have no substantive evidence, for example a Certificate of Lawful Development; to indicate that this is the case or that, if it is, there is a significant probability that such a proposal would be constructed should this appeal be dismissed. This limits the weight that I can attach to it as a fallback position.
10. Case law is outlined in the grounds of appeal relating to the concept of openness and proportionality. The other considerations presented have been considered in my overall conclusions on the proportionality of the proposal and the effect upon openness.

Conclusion

11. The proposal would be inappropriate development, to which I attach substantial weight. Furthermore, there would be a loss of openness, albeit modest.

12. Very limited weight is given to the permitted development fallback position, and I have taken account of the case law cited.
13. The other considerations collectively do not clearly outweigh the totality of harm. Consequently, very special circumstances do not exist and the proposal is contrary to the CS, the guidance in the Framework and the SPG, and I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR