



Appeal Decision

Site visit carried out on 5 December 2017

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 19 December 2017

Appeal Ref: APP/P4225/D/17/3179240

Wicken Hall House, Ogden Lane, Newhey, Rochdale, Lancashire OL16 3TQ

- 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 S Grady against the decision of Rochdale Metropolitan Borough Council.
 - The application No 17/00363/HOUS, dated 26 March 2017, was refused by a notice dated 24 May 2017.
 - The development proposed comprises a garage extension and alterations.
-

Decision

1. For the reasons that follow, the appeal is dismissed.

Main Issues

2. These relate to whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; its effect on the openness of the Green Belt, on the character and appearance of the area and on the living conditions of adjoining occupiers in terms of outlook and privacy. If the development is inappropriate, a further main issue relates to whether the harm by reason of inappropriateness, and any other harm, would be outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons for the Decision

3. Wicken Hall House is a semi-detached property in a relatively isolated rural location near to the small hamlet of Higher Ogden. It is of stone construction and benefits from a previous two-storey side extension and a single storey extension to the front. A small single storey element to the rear may also be an extension and there are some stone outbuildings just to the north of the dwelling, which appeared to be in poor state of repair at the time of my visit. It is proposed to construct a single storey flat-roofed double garage at the northern end of the property. It is proposed that the roof of the garage be enclosed with glass balustrading to form an elevated patio area. The rear (south-eastern) corner of the patio area would be covered with a glass canopy above a proposed hot tub.

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) confirms that the extension or alteration of a building in the Green Belt need not be inappropriate development provided that it does not result in disproportionate additions over

and above the size of the original building.¹ Pursuant to that, policy G4 of the Rochdale Adopted Core Strategy (October 2016) seeks to restrict development in the Green Belt to that which is not inappropriate, as defined by the Framework. In addition, although saved policy G/D/2 of the Rochdale Borough Unitary Development Plan (June 2006) refers to the now cancelled PPG2 I consider that, in seeking to protect the Green Belt from inappropriate development, it nevertheless accords with the thrust of the Green Belt section of the National Planning Policy Framework (the Framework).

5. Neither the Framework nor the development plan quantify what might comprise a disproportionate addition. However, advice in the Council's *SPD Guidelines and Standards for Residential Development* (June 2016) indicates that normally, extensions resulting in up to a 35% increase in floorspace or volume over and above the original dwelling would be considered not disproportionate and thus, not inappropriate.
6. Although the SPD advises that applications for extensions to properties in the Green Belt should be accompanied by the appropriate calculations with regard to floor space and volume, no detailed calculations appear to have been submitted with the application. However, on the information it has been able to gather, the Council suggests that the original dwelling had a volume of approximately 493 cubic metres and that it has been extended previously by at least 221.76 cubic metres.² Based on those figures, the Council suggests that the extension proposed would result in a cumulative increase in volume of some 45% over and above the original. However, whilst the appellant takes no issue with those figures, they suggest to me, that the previous extensions have resulted in an increase in volume of some 45%: no figures are provided for the extension now proposed, but if that was to be added to the previous extensions, the cumulative increase would be greater than 45%. That said, for the purposes of this appeal, I shall proceed on the basis of the 45% figure.
7. The SPD recognises that the characteristics of properties and proposals mean that there may be instances when a greater than 35% increase may be considered proportionate. However, I find no particular characteristics of the house, or the extension proposed, which might indicate that a greater cumulative increase would be appropriate in this instance. Accordingly, I conclude that the proposal would be inappropriate development.

Openness of the Green Belt

8. Paragraph 79 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts being their openness and permanence. Although openness is not defined in the Framework, it is generally held to involve an absence of buildings, with a recent court judgement determining that it has both a spatial and visual dimension³ (the latter being a quite separate matter to the issue of any effect on the character and appearance of the area).
9. The appeal property sits in one corner of its extensive grounds. It is accessed

¹ Defined as the building as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally.

² The volume of that part of the original building removed as part of the scheme for the two storey side extension has been factored into the calculation. The single storey element to the rear is also included as part of the original.

³ *John Turner v SSCLG and East Dorset Council* [2016] EWCA Civ 466

via a long unmade private road which also provides access to the adjoining property to the rear (east) and Wicken Hall Farm Barn, a nearby paint balling activity centre. The extension proposed would be added to the northern end of the property. That part of the site is largely enclosed in views from the shared drive and nearby public footpaths, which would limit the impact of the proposed extension on the visual aspect openness. It would, however, add to the amount of built development on the site although in its context, its effect on the spatial dimension of Green Belt openness would be slight. Nevertheless this additional effect on the openness of the Green Belt, adds to the harm already caused by reason of its inappropriateness, albeit to a limited extent.

Character and Appearance

10. Moving on to character and appearance, the host building is characterised by its pitched roof and a full height two storey gable at each end of the front elevation. Although not shown on the existing front elevation (Drawing No 20) a single storey extension with a low sloping roof has been added to the front of the gable at the right-hand (southern).
11. The flat roofed double garage proposed, which would spread the already extensive footprint of the dwelling, would be wider than the existing gables, the glazed balustrading above only serving to emphasise its horizontality which would be seen in jarring contrast to the architectural rhythm of the main house. I am in no doubt, in this regard, that the scale, proportions and appearance of the proposed extension mean that it would detract from the character and appearance of the host dwelling and the immediate area.
12. An existing first floor side facing bedroom window would be replaced with French windows, which would provide direct access on to the roof of the proposed garage. In addition, a glass roof lantern would be added to the rear single storey element and alterations to the fenestration to the front elevation are also proposed. The Council considered that there would be some harm to the visual appearance of the property, particularly in relation to the alterations to the front elevation. On balance, however, given that the front had previously undergone significant changes, it was considered that this element of the scheme was acceptable.
13. Whilst I take no issue with most of these other proposed alterations, I do not agree in relation to the impact of the alterations to the front. Notwithstanding any previous alterations, the large glazed opening proposed at ground floor level, which would replace two front facing lounge windows, would undermine the architectural solidity of this stone building and, like the proposed garage, its horizontal proportions would be at odds with the more vertical emphasis of the existing fenestration and building, adding further to the harm to the character and appearance of the area.
14. The harm that I have identified means that there would be conflict with policies DM1 and P3 and with the Framework, all which together and among other things seek to ensure that new development is of high quality design.

Living conditions

15. As a consequence of the unusual juxtaposition of the properties here, the rear of Wicken Hall House lies directly on the boundary of the domestic curtilage of the adjoining property to the rear. I saw that this area, which is laid out as a

garden comprising an area of lawn and planting, is not only at a slightly higher level than Wicken Hall House, but is on rising land generally.

16. The proposed garage would extend along very close to the boundary to that curtilage. Being on land that is at a slightly lower level, I am satisfied that the garage building itself would not impinge unduly on the outlook for occupiers of the adjacent dwelling. I do have concerns though in relation to the glazed balustrading proposed and the glazed hot tub enclosure which would, in my view, appear incongruous and intrusive and would have an overbearing presence when seen from the adjacent property.
17. Use of the roof above the garage as outdoor living space also has implications for the privacy of adjacent occupiers. I recognise that that the hot tub enclosure would be obscure glazed to the rear, preventing overlooking from that part of the roof area. However, the glazed balustrade around the remainder of the roof space is much lower and would allow direct overlooking into the adjacent garden area. That impact would be exacerbated given that the adjacent land rises to the rear.
18. I consider that in such close proximity to the adjacent garden, the glazing above the proposed garage would be seen as overly dominant and intrusive and that use of the roof area as outdoor living space would result in direct overlooking of that adjacent private space, giving rise to an unacceptable loss of privacy for neighbouring occupiers. There would be conflict therefore, with Core Strategy policy DM1 which, among other things, seeks to ensure that the living conditions of residents are not impacted adversely through visual intrusion, overbearing impact or loss of privacy. There would also be conflict with paragraph 17 of the Framework, which seeks secure a good standard of amenity for occupiers of land and buildings.

Conclusion

19. Inappropriate development is, by definition, harmful to the Green Belt. In addition, I have found that there would be some loss of Green Belt openness, albeit limited. In accordance with the Framework, I give substantial weight to those harms. In addition, I have also found harm to the character and appearance of the area and to the living conditions of neighbouring occupiers. I give significant weight to those considerations.
20. The Framework indicates that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whilst no specific considerations have been argued in support of the proposal, I recognise that the extension and alterations may well improve the appellant's living accommodation. However, there is nothing to indicate that the current accommodation is particularly inadequate or substandard in any way such that I should give any more than limited weight to this consideration.
21. All in all, the other considerations I have identified do not clearly outweigh the harm that I have identified and thus, the very special circumstances necessary to justify the proposal do not exist in this case. Accordingly, for the reasons set out above, I conclude on balance that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR