
Appeal Decision

Site visit made on 20 March 2018

by Daniel Hartley BA Hons MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2018

Appeal Ref: APP/H4315/C/17/3179139

Land situate at Homestead Gardens, Warrington Road, Bold Heath, Widnes WA8 3XE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Anita Bradford against an enforcement notice issued by St. Helens Metropolitan Borough Council.
 - The enforcement notice was issued on 8 June 2017.
 - The breach of planning control as alleged in the notice is the carrying out of operational development on land comprising the unauthorised erection of a brick garage extension measuring approximately 10 metres long, 3.6 metres wide and at its highest some 5 metres, the brick garage being situate in the approximate position as shown edged blue on plan attached to the enforcement notice.
 - The requirements of the notice are to demolish the brick garage extension and to remove all resulting materials from the land.
 - The period for compliance with the requirements is 56 days.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under Section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

2. The appeal is made under ground (a) which is that planning permission ought to be granted in respect of any breach of planning control which may be constituted by the matters stated in the notice.
3. The appeal site falls within land designated as Green Belt and comprises a detached dwelling which was granted planning permission pursuant to planning permission Ref No P/2014/0437 (i.e. the conversion and extension of an existing building). The deemed planning application relates to the erection of a garage attached to the dwelling which measures approximately 10 metres long and 3.6 metres wide and is about 5.0 metres at its highest point. On my site visit, I was able to see that the garage was not in use but was structurally complete other than the insertion of doors/windows.
4. I have taken into account the reasons for issuing the notice and, as the development is in Green Belt, the main issues in this appeal are as follows:

- Whether or not the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal upon the openness of the Green Belt; and
- 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 the very special circumstances necessary to justify development.

Whether the proposal would represent inappropriate development

5. The starting point in determining this appeal is whether or not there are any relevant Green Belt development plan policies taking into account the provisions of section 38(6) of the Planning and Compulsory Purchase Act. In this case, I have been referred to saved Policies GB 1, GB 2 and GB 6 of the St Helens Unitary Development Plan 1998 (UDP) which have been carried into the adopted St Helens Local Plan Core Strategy 2012 (CS). The CS post-dates the publication of the National Planning Policy Framework (the Framework) which is dated March 2012.
6. Policy GB 1 of the UDP states that new buildings in the Green Belt will not be permitted, except in very special circumstances, unless it is for (iii) *"limited extension, alteration or replacement of existing dwellings (see Policy GB 6 and GB 6A)"*. The reasoned justification to the policy refers to PPG 2 which has now been cancelled. Policy GB 2 of the UDP includes criteria against which Green Belt proposals will be judged and this includes matters such as appropriate design, siting and materials; not conflicting with the purposes of the Green Belt and not detracting from the appearance and openness of the Green Belt.
7. Policy GB 6 of the UDP relates specifically to alterations and extensions to existing dwellings and states that proposals should satisfy five criteria including structural stability; character and appearance; the proper garaging of cars; landscaping and scale in relation to plot size. The reasoned justification to the policy states that *"provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in the Green Belt...For the purposes of this policy, the original dwelling is defined as it was at 1 July 1948, or when first built, if erected at a later date"*.
8. Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and that exceptions to this 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"*. Taking into account paragraph 215 of the Framework it is clear that there is a degree of inconsistency between the aforementioned development plan policies and paragraph 89 of the Framework. The latter refers to additions over and above the size of the original building whereas the former refers to dwellings. In this case, the appellant considers that the development plan policies should be afforded more weight than the Framework as they have been incorporated into the post-dated and adopted CS.
9. The Council does not dispute the floorspace calculations provided by the appellant and I have no reason to disagree with them either. If I were to take

the original building as that existing before the conversion to a dwelling house took place, the increase in floorspace would be well over 200%. In my view this would represent a disproportionate addition to the original building.

10. However, if I were to consider the appeal development and existing permitted rear extension (Planning permission No P/2016/0911/HHFP) relative to the original dwelling then the increase in floorspace would amount to about 48.5%. Even if I were to agree with the appellant that the floorspace calculation should be based on the "original dwelling" as distinct from the "original building", I would still consider this to amount to a disproportionate addition. When considered together, both the permitted rear extension and the garage do not appear subservient in scale to the original dwelling and also amount to disproportionate additions.
11. It is not necessary for me to reach a conclusive view in terms of the weight to be given to the policies in the development plan versus the Framework. Either way, the brick garage extension has resulted in a disproportionate addition. The appellant contends that the Council's approach is flawed as it has already permitted an increase in floorpace from the original building by about 153%. Her view is that the Council's comment that "*48.5% would still be disproportionate*" is unreasonable. However, it has been necessary for me to reach my own view based on the evidence that is before me, including a consideration of relevant local and national planning policies and the extensions to the dwelling and the original building. Whilst the Council may have allowed relatively large extensions in the past this does not justify allowing more extensions.
12. I acknowledge that the proposal would accord most of the criteria contained within saved Policies GB 2 and GB 6 (I deal with Policy GB 2 openness issues below). However, the proposal would not accord with saved Policy GB 1 in so far that cumulatively it would not result in a "*limited extension*" of an existing dwelling. Furthermore, the development does not amount to a paragraph 89 Framework exception to the construction of new buildings in the Green Belt as it constitutes a disproportionate addition to the original building. Consequently, I conclude that that the proposal would amount to inappropriate development in the Green Belt.
13. Paragraph 87 of the Framework states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". I deal with this matter later.

Openness

14. I acknowledge that the extension to the building is at the rear of the property and that it is not conspicuous from Warrington Road. However, the essential characteristics of Green Belts are their openness and their permanence and, in any event, the extension is visible from the adjacent public footpath through gaps/openings in the deciduous hedge.
15. The appellant refers to the extension being erected on hardstanding and contends that the spatial and visual impact on openness is negligible. In this case, I consider that there is a significant difference between a hard standing area and a building in terms of its overall impact upon openness. Whether I consider the proposal against the size of the original building or the original

dwelling I consider that overall the openness of the area has been diminished to at least a moderate degree.

Any other matters

16. I do not disagree with the appellant that the garage extension is well designed and that in appearance terms it is in keeping with the rest of the dwelling. I am aware that the garage would provide an area to house the appellant's car and that it could also be used for domestic storage purposes. I also note the appellant's comment that there have not been any negative representations made by members of the public and that the occupier of the neighbouring property supports the development. However, these are not matters which are worthy of holding anything more than limited weight as material planning considerations.
17. The above matters need to be balanced against the fact that I have found that the proposal would amount to inappropriate development in the Green Belt and that moderate harm would be caused to openness. It would be necessary for the aforementioned other matters, including the way that the local planning authority has assessed proposals on the site thus far, to amount to very special circumstances to justify allowing inappropriate development in the Green Belt.

Planning balance and conclusion

18. The proposal would amount to inappropriate development in the Green Belt. Hence, the proposal is by definition harmful to the Green Belt. I have found that the proposal would have at least a moderate impact on the openness of the Green Belt. In this case, the substantial weight to be given to Green Belt harm, and any other harm, arising from the proposal would not be clearly outweighed by other considerations sufficient to demonstrate very special circumstances. For the reasons outlined above, and taking into account all other matters raised, on balance I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Daniel Hartley

INSPECTOR