



Appeal Decision

Site visit made on 17 December 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/P2365/D/19/3238504

452 Moss Lane, Hesketh Bank PR4 6XJ

- 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 Howard against the decision of West Lancashire Borough Council.
 - The application Ref 2019/0373/FUL, dated 12 April 2019, was refused by notice dated 24 September 2019.
 - The development proposed is the single storey side and rear extension including new garage and rear porch to existing dwelling. Existing garage to be converted to sensory room.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development given on the planning application form and appeal form differs. I have used the description from the planning appeal form which accurately and simply describes the development rather than the longer description on the planning application form.

Main Issues

3. The main issues in this appeal are:
 - Whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If it is inappropriate development 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 the development.

Reasons

Inappropriate development

4. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than for several exceptions. One such exception is an extension to an existing building if it does not represent a disproportionate addition over and above the original building.

5. Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document (October 2013) (LP) advises that development within the Green Belt will be assessed against national planning policy and any relevant local planning policies. The Council's Supplementary Planning Document Development in the Green Belt (October 2015) (SPD) says that an extension would be acceptable subject to, amongst other things, *'the total volume of the proposal, together with any previous extensions, alterations and non-original outbuildings, would not result in an increase of more than 40% above the volume of the original building'*. The SPD advises that this figure of 40% is a guide only and there may be circumstances where marginally more than 40% of the original property may be acceptable.
6. The proposal would construct an extension to the side of the dwelling to create a garage and porch. The existing garage would be converted into a sensory room for use by a family member. When taken in combination with other additions, the increase in volume of the property including the garage would be 47%. However, the existing property replaced a previous dwelling on site which was granted in 2004. The Council advise that the replacement dwelling represented an approximately 85% increase in volume from the original property. Moreover, permitted development rights were removed to limit further extensions. These points have not been disputed by the appellant.
7. Both the Framework and the Council's SPD define the original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. In this respect the size of the original property prior to its replacement is material to the assessment of the proposal before me. In either case the proposal would amount to a disproportionate addition over and above the size of the original building and would be inappropriate development for the purposes of Green Belt policy.
8. In this regard, it would conflict with Policy GN1 of the LP, the Council's SPD and the Framework. The Framework directs that inappropriate development is, by definition, harmful to the Green Belt. It goes on to explain that substantial weight should be afforded to any harm to the Green Belt and inappropriate development should not be approved except in very special circumstances.

Openness

9. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and has both spatial and visual aspects.
10. The proposal would appear subservient in scale to the existing property. However, it would be clearly visible from the frontage along Moss Lane. Although it would be contained within the garden of the property it would result in a reduction in openness both spatially and visually. Whilst I recognise that the extent of impact on the openness would be small this, nonetheless, adds to the harm that I have already identified by reason of inappropriateness and to the conflict with the aforementioned policy documents.

Other considerations

11. The Framework states 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.

12. The appellant explains that the extension is required due to a family member's health condition to allow direct access internally between the car and the house. Moreover, it would allow the existing garage to then be converted into a sensory room to assist with the management of this condition. I saw that part of the existing garage and other outbuilding containing a small pool were in use at present and recognise that the garage space is limited as it serves a storage function along with a range of equipment.
13. In exercising my function on behalf of a public authority, I am aware of my duties under the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity. The Act recognises that disability constitutes a relevant protected characteristic for the purposes of PSED.
14. Whilst I sympathise with the personal circumstances of the appellant, no substantive evidence has been provided regarding the medical condition and the specific use and need of the sensory room. Moreover, there has been no substantive evidence provided regarding the need for the porch to the rear or the size of garage. Additionally, there is no evidence to suggest that other ways to achieve the appellant's aims or minimise the extent of built form have been investigated and discounted. Moreover, I am mindful that the development proposed is likely to remain long after the personal circumstances cease to be a material planning consideration. As such, although the proposal may be of benefit to the living conditions of the occupants, I afford this consideration only limited weight within the decision.
15. No adverse impacts on the character and appearance of the area or living conditions of the occupiers of neighbouring properties have been identified. I have no reason to disagree however the lack of harm in these respects weighs neither for or against the proposal.
16. Concerns regarding the processing of the application, including matters relating to whether pre application advice with the Council should have been sought are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me.
17. Consequently, these other considerations do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

Conclusion

18. In summary, the appeal proposal would be inappropriate development in the terms set out in the Framework and would lead to a small loss of openness to the Green Belt. These issues are not outweighed by the other considerations advanced by the appellant so as to amount to very special circumstances.
19. Therefore, for all the reasons given above I conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR