



Appeal Decision

Site visit made on 6 January 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal Ref: APP/D2320/D/19/3241375

3 Parksyde Cottages, Dawson Lane, Whittle-le-Woods, PR6 7DS

- 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 and Mrs Gordon-Hickson against the decision of Chorley Council.
 - The application Ref 19/00883/FULHH, dated 12 September 2019, was refused by notice dated 7 November 2019.
 - The development proposed is a proposed rear single storey extension together with provision of new windows in gable end at ground and first floor.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The appeal site lies within the Green Belt and so the main issues are:
 - 1) Whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework);
 - 2) The effect of the proposal on the openness of the Green Belt; and
 - 3) If found to be inappropriate development, whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons for the Recommendation

Whether the proposal constitutes inappropriate development

4. The appeal site is situated on the northern side of Dawson Lane in Whittle-le-Woods within the Green Belt. It comprises a semi detached cottage with a domestic outbuilding, as well as gardens to the side and rear. The cottage benefits from previously implemented extensions, to include a two storey side extension, a first floor side extension and a single storey rear extension, resulting in an L shaped dwelling. The immediate vicinity is rural in nature. The site is bounded by Dawson

Lane to the front, and open fields to the rear. Due to the topography the site slopes downwards from the highway, such that the dwelling is set lower than Dawson Lane, but is elevated above the fields at the back. The proposal relates to the installation of a rear single storey extension together with the provision of new windows in the gable ends at ground and first floor.

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. While the construction of new buildings is inappropriate in the Green Belt, there are a limited number of exceptions, as detailed by paragraph 145 of the Framework. This includes at 145(c) *"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"*. Original building is defined in the Framework as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. However, the concept of a disproportionate addition has not been defined in the Framework.
6. Policy HS5 of the Chorley Local Plan 2012 – 2026 Site Allocations and Development Management Policies Development Plan Document adopted 21 July 2015 (the Local Plan) states that extensions on Green Belt land should not result in a disproportionate increase in the volume of the original dwelling. The policy states that increases of up to 50% volume are not considered disproportionate. This position is echoed in the Central Lancashire Rural Development Supplementary Planning Document dated October 2012 (the SPD).
7. While a disproportionate addition is not defined in the Framework, the concept of increases over 50% being disproportionate is a reasonable position which allows for quite a generous increase in the size of the original dwelling. The appellant has argued that the 50% figure in the Local Plan and SPD does not reflect the approach of case law which dictates that consideration of the impact of development on the openness of the Green Belt should include matters of visual impact and not simply the physical or volumetric impact. However, the relevant part of the judgement related specifically to the matter of how to assess the impact on the openness of the Green Belt and not the matter of whether an extension represents a disproportionate addition to an existing dwelling. It appears to me that the two matters are not the same thing.
8. Certain types of development listed under paragraph 145 of the Framework, for example subsections (b) and (g), require an assessment of the effect on openness as part of the consideration of whether the development would be 'inappropriate'. That is not the case with subsection (c) which requires consideration of whether the extension would be disproportionate in relation to the original building. That does not require an assessment of the effect on the openness of the Green Belt but a comparison between the scale of what is proposed and the scale of the original building. The impact on openness may be a separate and relevant consideration but is not determinative on the issue of whether a proposal is a disproportionate addition. Thus, reference to case law does not alter my view that the 50% figure is a reasonable and proportionate allowance for residential properties. That figure was examined and found to be in accordance with the Framework, as was then in force, and the case law referred to by the appellant does not render that proportional figure out of date, having regard to Paragraph 145(c) of the Framework. As such, given the conformity of Policy HS5 and the SPD with the Framework, I attach substantial weight to this policy and guidance in the context of the appeal.

9. While no precise information has been provided as to the extent of the original building, the previous additions to the dwelling were clear from the site visit. Both parties are in agreement that due to the fact that the dwelling has been previously extended, the proposal would lead to an overall increase in the volume of the original building that would exceed the 50% limit set down in HS5 and the SPD. Consequently, whilst the proposal itself is modest in size and scale, when considered alongside the pre-existing extensions it would contribute to disproportionate additions to the original building.
10. Accordingly, the proposal does not fall within the exception at Paragraph 145(c) of the Framework. There is no suggestion that the proposal would meet any other exception listed in the Framework and it would therefore represent inappropriate development.

Impact on openness

11. The Framework states that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* It has been established that openness has both a spatial and visual aspect.
12. From a spatial perspective, the development would inevitably lead to a reduction in the openness of the Green Belt by introducing additional built elements at the site. However it is relatively modest in size and scale and would not extend beyond the rear or side elevation of the current dwelling. Rather, the proposal would simply fill in the current L shape of the building to result in a rectangular dwelling.
13. From a visual perspective, due to the sloping nature of the site and the presence of screening along Dawson Lane, there would be minimal visibility of the proposal from the public highway. From the rear, while the dwelling is in an elevated position, public views of the proposal would be distant due to presence of open fields adjoining the rear boundary of the site and the extension would be viewed in the context of the existing dwelling.
14. Therefore, having regard to the location of the site and the position of surrounding development, I conclude that the harm to the Green Belt arising from loss of openness would be limited.

Other matters

15. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The appellant cited the necessity to examine the impact of the proposal on the openness of the Green Belt, focusing in particular on the limited visual impact in this regard. These matters have been dealt with above and cumulatively should be afforded moderate weighting due to the limited resulting impact on openness. No other considerations have been put forward by the appellant.

Whether Very Special Circumstances Exist

16. It is accepted that the harm arising from loss of openness would be limited. However, the proposal would represent a disproportionate addition over and above the size of the original dwelling and would therefore amount to inappropriate development in the Green Belt.

17. The Framework establishes that substantial weight should be given to any harm to the Green Belt. When taken cumulatively, the other considerations advanced in support of the scheme attract moderate weight and do not clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion and Recommendation

18. The proposal would be contrary to Policy HS5 of the Local Plan and the SPD. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR