
Appeal Decision

Site visit made on 7 January 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/M0655/D/19/3241086

1 New Cottages, Hatton Lane, Hatton, Warrington, WA4 4DB

- 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 Mark Swindell against the decision of Warrington Borough Council.
 - The application Ref 2019/34855, dated 18 April 2019, was refused by notice dated 9 September 2019.
 - The development proposed is erection of orangery.
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Decision

1. The appeal is dismissed.

Main Issues

2. Given that the site is located within a designated Green Belt, the main issues are:
 - whether the proposed development would be 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 proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the host dwelling, neighbouring Listed Building and the character and appearance of the area, and
 - if the proposed development is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

3. The appeal property is one of a pair of semi-detached cottages that forms part of a group of historic buildings. It is a locally listed building. The Hatton Arms, a Grade II Listed Building, is the closest neighbouring property to the north-west of the site. In planning policy terms, the site is located within a predominantly residential area in the village of Hatton, which lies within the Green Belt.

4. The proposal would add a single-storey, primarily glazed, extension to the rear of the property. It would project off an existing 1.5-storey side extension, which is one of several extensions that have already been added to the property. The others consist of a series of single-storey extensions linked to each other, projecting off the rear of the property, some of which are shared with the adjoining semi-detached cottage. The 1:1250 Location Plan suggests that an extension was added to the rear of the property to link up with a previously detached outbuilding. Neither party has provided a comprehensive set of calculations regarding the size of the original dwelling, the combined size of the existing extensions or the overall size of the property should the orangery be constructed. However, my observations on site, along with the information on the plans, enable me to conclude that the existing extensions themselves are extensive. Consequently, I consider that adding the proposed orangery to the property would result in it being disproportionately extended.
5. The Framework directs decision-makers to regard new buildings in the Green Belt as constituting inappropriate development. There are some identified exceptions, one of which is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building¹. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances². When determining applications substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations³.
6. Policy CS5 of the Warrington Borough Council Local Plan Core Strategy (2014) (LPCS), states that proposals within the Green Belt will be approved where they accord with relevant national policy. Part G of the Supplementary Planning Guidance Note 2: House Extension Guidelines (2003) (SPG), states that proposals must not result in disproportionate additions to the property. I have concluded that the proposed development would result in disproportionate additions to the original dwelling, therefore the proposal constitutes inappropriate development in the Green Belt. As such, unless there are very special circumstances, the proposed development does not accord with Policy CS5 of the LPCS, guidance in the SPG or national Green Belt policy as outlined in the Framework.

Openness

7. Within the context of Green Belt policy openness can refer to both spatial and visual aspects. The erection of an additional building in the Green Belt can potentially reduce both spatial and visual openness.
8. The proposal would introduce built form into a part of the site which is currently not developed, which would inevitably affect spatial openness. On its own, I consider that the proposal would moderately reduce the spatial openness of the Green Belt. However, combined with the existing extensions, the resultant disproportionate additions would significantly reduce the spatial openness of the Green Belt.

¹ Paragraph 145 of the Framework.

² Paragraph 143 of the Framework.

³ Paragraph 144 of the Framework.

9. The proposed orangery would be sited to the rear of the property and it would be a light-weight, primarily glazed structure. There is a hedge along the north-western boundary of the site, beyond which is an outdoor seating area associated with the Hatton Arms, which has some trees planted in it, some of which are close to the site boundary. Consequently, the proposal would be barely visible from this public vantage point. It would also be barely visible from the rear gardens of neighbouring properties, and it would not be visible from other public vantage points. Bearing these factors in mind, I consider that the proposal would result in a limited reduction in the visual openness of the Green Belt.
10. Paragraph 133 of the Framework advises that the essential characteristics of Green Belts are their openness and permanence. I have concluded that on its own the proposal would moderately reduce the spatial openness of the Green Belt, and collectively the disproportionate additions would significantly reduce the spatial openness of the Green Belt. However, the proposal would only result in a limited reduction in the visual openness of the Green Belt. Notwithstanding my conclusion regarding visual openness, unless there are very special circumstances, as spatial openness would be reduced, the proposal does not accord, as a whole, with Policy CS5 of the LPCS, guidance in the SPG or national Green Belt policy as outlined in the Framework.

Heritage assets and character and appearance of the area - other harm

11. The appeal property is located within the built-up development boundary of the village. The Hatton Arms is located to the north-west of the site. The area is characterised by a mix of mainly detached and semi-detached properties, from different periods, mainly two-storeys high. The properties are mainly constructed of red brick under slate or tiled roofs, with the more modern dwellings having some rendered or cladding sections. The overall character and appearance of the area are that of a typical rural village with a mix of historical and more recent properties.
12. Under s66(1) of The Planning (Listed Building and Conservation Areas) Act 1990 I have a duty to give considerable importance and weight to the desirability of preserving the setting of a Listed Building. Also, the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation⁴; and, the effect of an application on the significance of a non-designated heritage asset should be taken into account⁵.
13. Given the siting, scale, detailed design and materials of the proposed orangery, and bearing in mind that the proposal would be barely visible from public vantage points, I conclude that the proposal would have a neutral effect on the historic integrity of the host dwelling, a non-designated locally listed heritage asset, and a neutral effect on the character and appearance of the area. Due to the presence of the hedge and trees along and close to the boundary of the curtilage of the Listed public house, the outdoor seating area that sits between the site and the Hatton Arms, and the presence of a single-storey shelter sited in the outdoor seating area, positioned between the appeal site and the public house, I conclude that the proposed development would not harm the setting of the Listed Building.

⁴ Paragraph 193 of the Framework.

⁵ Paragraph 197 of the Framework.

14. Bearing these factors in mind, I consider the proposal would accord with policies QE 6, QE 7 and QE 8 of the LPCS which, collectively, and among other things, seek to support development that does not have an unacceptable impact on the surrounding area, are designed to respect and maintain the landscape character and distinctiveness of the countryside and ensure that the fabric and setting of historic assets are appropriately protected.

Other considerations & very special circumstances

15. In addition to the matters dealt with above, in support of the proposal it has been suggested that the current owners require additional living space to meet their day-to-day needs. However, the planning system exists in the public interest. In addition, there is no evidence to suggest that further extending the property would be the only way that the owners could achieve additional living space.
16. The appellant also contends that the current proposal is a much-reduced scheme compared to one previously refused. I note that I must deal with the appeal on its own merits, appraised against development plan policies and other relevant considerations, rather than considering how it compares with a previous proposal.
17. Thus, the other considerations suggested are factors to which I attach minimal weight and consider they do not outweigh the harm I have identified. As such I do not consider them to constitute the very special circumstances required to justify the development.
18. I have concluded that I consider the development to be inappropriate development in the Green Belt and that the proposal would either moderately reduce the spatial openness of the Green Belt, when considered on its own, or that the resultant disproportionate additions would significantly reduce the spatial openness of the Green Belt. Notwithstanding my conclusions regarding the effect of the proposal on the visual openness of the Green Belt, historic assets and the character and appearance of the area, in accordance with the Framework, substantial weight is attached to any harm to the Green Belt. I conclude that the harm by inappropriateness and the reduction of spatial openness has not been clearly outweighed by other considerations. Consequently, the proposal does not accord, as a whole, with Policy CS5 of the LPCS or guidance in the SPG and the Framework.

Conclusion

19. For the reasons outlined above, the appeal is dismissed.

J Williamson

INSPECTOR