
Appeal Decision

Site visit made on 7 July 2020 by Hannah Ellison BSc (Hons) MSc

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/P2365/D/20/3249542

Flyway, Taylors Meanygate, Tarleton, Preston PR4 6XB

- 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 Sutton against the decision of West Lancashire Borough Council.
 - The application Ref 2019/1219/FUL, dated 27 November 2019, was refused by notice dated 6 February 2020.
 - The development proposed is side, rear and first floor extensions.
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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 Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the host dwelling and wider area;
 - The effect of the proposal on the living conditions of occupiers of Lynwood, with particular regard to privacy and;
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

4. The appeal dwelling is a detached bungalow with a dormer extension to the rear. It is located on the north east side of Taylors Meanygate and is within the Green Belt. The appeal site includes two outbuildings to the rear. Permission is sought for a side, rear and first floor extension.
5. Policy GN1 of the West Lancashire Local Plan 2012-2027 (the LP) concerns settlement boundaries and notes that development proposals within the Green Belt should be assessed against national policy. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings in the Green Belt is inappropriate. However, paragraph 145c sets out that the extension or alteration of a building can be considered an exception where it does not result in disproportionate additions over and above the size of the original building. The Framework does not explain what a disproportionate addition means, therefore an assessment of whether the proposal would be disproportionate to the original building is a matter of planning judgement.
6. The West Lancashire Borough Council Supplementary Planning Document, Development in the Green Belt (October 2015) (the SPD) recommends that the total volume of the extension, together with any previous extensions, alterations and non-original outbuildings, should not result in an increase of more than 40% above the volume of the original building.
7. The original building is defined within the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The Council consider the existing outbuildings to be non-original, although offers no conclusive evidence as to why. However, the appellant contends that they are original as they replaced a stable block which was previously attached to the original dwelling. The current outbuilding on site is not attached to the dwelling and therefore, even if a replacement, I am not wholly satisfied that it is part of the original dwelling as defined above. Furthermore, although the appellant states that the rear kitchen would be demolished, it appears to be on the proposed plans and incorporated into the proposal.
8. Due to the lack of substantive evidence and the contradictory nature of the appellant's plans I cannot be certain either way as to the exact nature of the volume of the extension over and above the original dwelling.
9. However, even if the proposed development would result in less than 40% of the original dwelling, assessing a proposal on volume calculations is only one way to determine whether a proposal would be disproportionate. Another approach to quantify the degree of change is to compare the footprint and form of the original dwelling and the one that would result from the proposed development.
10. The existing dwelling is of a modest scale and 'L' shaped footprint with a simple roof form. The proposed extension would fill the currently open south east corner of the dwelling and introduce a large rear gable and side elevations of considerable length and substantial height, effectively altering the original bungalow to a two-storey dwelling. This would undoubtedly represent a substantial alteration to its original form and appearance. This alteration would be a disproportionate addition to the dwelling, irrespective of the removal of an existing outbuilding. Therefore, the proposal would not fall within the exception under paragraph 145c of the Framework and it therefore constitutes inappropriate development in the Green Belt. For the same reason the proposal would conflict with Policy GN1 of the LP.

Effect upon openness of the Green Belt

11. Paragraph 133 of the Framework advises that a fundamental aim of Green Belt policy is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The appeal site and dwelling are readily visible from the public realm, particularly from the east and south, due to lack of substantial boundary treatment. Whilst the proposed extension would be read in context with the existing dwelling and would be visually screened to the north west by a neighbouring property, by virtue of the degree of openness of the site and overall scale of the extension, this proposal would cause some visual intrusion to the openness of the Green Belt.
12. The submitted evidence suggests that the removal of one outbuilding would reduce the overall footprint and spread of built form at the appeal site. Notwithstanding the uncertainty around this part of the proposed development, the two-storey extension would nevertheless be of a considerably greater scale and robust form than the single storey outbuilding. It would therefore reduce the openness of the Green Belt in spatial terms. For these reasons, the proposal would result in considerable harm to the openness of the Green Belt contrary to the Framework and Policy GB4(c) of the SPD.

Character and appearance

13. The original dwelling is a modest bungalow with rear dormer. The proposed extension would significantly increase the scale and massing of the host dwelling as it would introduce two-storey side elevations and a rear gable end with extensive glazing. It would substantially alter the form and appearance of the original dwelling and would fail to read as a subservient addition. Furthermore, it would be highly visible from the public realm due to the open characteristics of the appeal site. As such, it would be readily apparent and read as a visually intrusive and incongruous addition.
14. Therefore, for the reasons above, I conclude that the proposed development would harm the character and appearance of the host dwelling and wider area and would conflict with Policy GN3 of the LP and Policy GB4(c) of the SPD which seek, amongst other things, to ensure developments relate to the existing building in terms of design and are in keeping with the character of the area.

Living conditions

15. The proposed extension would include a first floor window on the north-west elevation. It would serve a bedroom and would face the ground floor habitable rooms of the adjacent property, Lynwood. Whilst there is an existing first-floor window on the north-west elevation of the host dwelling, it is positioned slightly further away from Lynwood, whereas the proposed window would be directly overlooking its ground floor side windows. Therefore, due to its close relationship, this proposal would provide opportunities for occupiers to overlook the private living space of the neighbouring property, resulting in an invasive loss of privacy for occupiers.
16. I acknowledge that the appellant would be willing to alter the internal layout of the first floor so as to remove the need for a clearly glazed window. Be that as it may, Annex M.1.1 and M.2.1 of the 'Procedural Guide – Planning Appeals – England' advises that it is important that I consider the scheme on the basis of what was before the Council when they made their decision. Amended plans

that seek to overcome a Council's reason for refusal should normally be submitted to the Council by way of a fresh application.

17. Consequently, for the reasons above, I conclude that this proposal would harm the living conditions of occupiers of Lynwood, with particular regard to privacy. It would therefore conflict with Policy GN3 of the LP which also seeks to ensure developments retain reasonable levels of privacy for neighbouring properties.

Other considerations

18. The appellant notes that the proposed development would allow extended family to live in the dwelling and enable the appellant to care for elderly relatives. However, there is little evidence before me to demonstrate why an extension of the proposed scale and massing is needed to provide required levels of care and accommodation. Therefore, whilst I do not set aside this matter lightly, it does not justify the development and I give it little weight.
19. The appellant suggests the original dwelling has a limited ceiling height and thus presents a challenge for the proposal. I accept the limitations the ceiling height may create. However, this does not justify the overall scale and massing of the extension. I therefore afford this matter limited weight.
20. My attention has been drawn to other dwellings and agricultural buildings in the area which the appellant suggests have a greater impact on the Green Belt than the proposed development. I viewed them at the time of my site visit. Whilst I note some examples may be larger than the proposal, they are read in a different context. Furthermore, I am not aware of the full circumstances which led to their approval. As such, they do not weigh in favour of the proposed development.

Whether very special circumstances exist

21. The Framework states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. The proposed development would constitute inappropriate development in the Green Belt and would cause considerable harm to its openness. I give the harm to the Green Belt substantial weight.
22. I have also found that the proposal would be harmful to the character and appearance of the dwelling and area and neighbouring resident's living conditions, contrary to Policy GN3 of the LP. I give these harms considerable weight.
23. Therefore, the advanced considerations in support of the appeal, whether taken individually or cumulatively, do not, on balance, clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

24. The appellant did not engage the Council for pre-application advice and are concerned that planning permission was refused on that basis. This is not a matter for me within the context of this appeal and I have determined the appeal strictly on its merits and have found it would cause harm as identified above.

Conclusion and Recommendation

25. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Zoe Raygen

INSPECTOR