

# Appeal Decision

Site Visit made on 24 February 2021

**by Mr Andrew McGlone BSc(Hons), MCD, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 March 2021**

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**Appeal Ref: APP/V4305/D/20/3264638**

**The Cottage, Pex Hill, Cronton WA8 5QW**

- 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 Alex Cooke against the decision of Knowsley Metropolitan Borough Council.
  - The application Ref 20/00235/FUL, dated 6 May 2020, was refused by notice dated 16 September 2020.
  - The development proposed is a single storey rear extension and detached garage.
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## Decision

1. The appeal is dismissed insofar as it relates to the erection of a single storey rear extension. The appeal is allowed and planning permission is granted for the erection of a detached garage at The Cottage, Pex Hill, Cronton WA8 5QW in accordance with the terms of the application, 20/00235/FUL, dated 6 May 2020, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LP-001; BP-001; and PP-003 Rev A.
  - 3) The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan. All existing trees/hedges to be retained on site shall be protected by fencing which shall be in place before the start of development, and the Local Planning Authority given at least five days written notice that the fencing has been erected. The protective fencing shall be retained in place until the development is complete. No storage of plant or material (including soil), works (including movement of soil, changes in ground level, vehicular movements, siting of temporary buildings or other works), lighting of fires or tipping of liquids shall take place within the protective fencing thereby defined for the duration of the development works.

## Main Issues

2. While the Council's reasons for refusing planning permission refer to 'extension', the concerns expressed by the Council in their Officer Report about whether the proposal is inappropriate development relates to the entirety of the proposal. Hence, the main issues are: (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; (b) the effect of the proposed extension on the character and appearance of the area; and (c) 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 required to justify the proposal.

## **Reasons**

### *Whether inappropriate development*

3. The appeal property is a detached bungalow set within landscaped grounds at the top of Pex Hill. The appeal site lies within the Green Belt. A small number of dwellings also set within landscaped grounds neighbour the site. Existing trees and hedging extend along the perimeter of the site. A well-used public footpath passes across the site's frontage and next to the extensive side garden.
4. The Framework states that new buildings in the Green Belt are inappropriate unless they are one of the exceptions listed in paragraph 145. Such exceptions 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. Saved Policy G7 of the Knowsley Replacement Unitary Development Plan (UDP) is broadly consistent with Framework paragraph 145 c), save for the reference to 'dwelling' instead of 'building'. However, this difference is not crucial and the policy seeks to protect the Green Belt from inappropriate development.
5. The Framework does not specify what a disproportionate addition is. It is common ground that the appeal property has extended which has exceeded the 50% volume threshold found in the explanation to saved UDP Policy G7 and the Knowsley Householder Development Supplementary Planning Document (SPD). This threshold is applied to prevent extensions eroding the openness of the Green Belt. The proposal would significantly increase the size and volume of the original building. Hence, the appeal scheme would not accord with saved UDP Policy G7, the SPD and Framework paragraph 145 c) as it would be a disproportionate addition over and above the size of the original building.
6. Even if, having regard to Framework paragraph 145 g), I were to consider the proposal amounts to limited infilling or the partial or complete redevelopment of previously developed land, the development still needs to not have a greater impact on the openness of the Green Belt than the existing development.
7. The proposed development would be contained within the garden and views of the extension from the public footpath would be limited due to its siting to the rear and the presence of boundary fencing. Mature vegetation only adds to this, meaning that the extension's visual effect would be modest. There are no certainties that the planting will remain in perpetuity or in its current guise, but the proposal would still add a significant amount of new built form to the side and rear, thereby adding to the scale and massing of the property to the rear and a stand-alone garage to the side of the property. Both components of the scheme could be viewed beyond the vegetation lining the site's southern and eastern boundaries from the public footpath. The proposal would therefore lead to moderate spatial loss of openness in the Green Belt, and thus it would not accord with exception g) of Framework paragraph 145.
8. The proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be contrary to saved UDP Policy G7, Policy CS5 of the Knowsley Local Plan Core Strategy (Core Strategy), the SPD and Framework paragraphs 143 and 145 c) and g).

### *Character and appearance*

9. The proposed rear extension would be lower than the ridge height of the host dwelling. The design is proposed to contrast with the existing property. The use of consistent materials would help integrate the extension into its surroundings. However, the flat roofed extension would span the full width of the property and project a considerable distance away from its rear elevation towards the paved courtyard in front of the detached double garage. This would lead to a bulky addition that would be far greater than the current width of the dwelling and one that would not respect the traditional pitched roof of the bungalow. For these reasons, even if the extension would not be readily apparent, it would still be, in my view, of a scale and massing that result in a disproportionate addition that amounts to a poor design.
10. I conclude, on this issue, that the proposed extension would cause significant harm to the character and appearance of the area and thus the proposal would conflict with Core Strategy Policy CS19, saved UDP Policy H8, the SPD and Framework paragraphs 127 and 130. Jointly, these policies seek development to not result in a disproportionate addition to the original dwelling due to the scale and massing, and to respond to the existing built environment.

### *Other considerations*

11. Since the planning application was refused, the Council has granted two certificates of lawful development (LDC) relating to the appeal property<sup>1</sup>. The first relates to a single storey detached garage; the other a single storey detached outbuilding. The outbuilding would be to the rear of the dwelling, albeit not attached to it like the proposed extension.
12. The proposed detached garage would mirror the garage subject of the LDC in terms of its siting, footprint and design. While the proposed garage would be very marginally higher at the eaves and ridge, its effect would be the same in terms of the openness of the Green Belt or inconsequential in terms of considering whether it would be a disproportionate addition, and thus inappropriate development. While a garage could be built under permitted development before the planning permission were implemented if the appeal is allowed, only one of the garages could be physically built.
13. The appellant wishes to increase their living space and has gone to the time and expense of obtaining the LDC's to support their case. If I were to dismiss the appeal, the appellant says that they would reconfigure the layout of the existing dwelling and use the detached outbuilding to the rear of the dwelling as a swimming pool and gymnasium. These would be incidental uses to the occupation of the property as a dwelling.
14. It seems to me that there is a greater than a theoretical possibility that the detached outbuilding subject of the LDC might take place. However, the proposed extension would be of a greater footprint and volume. It would also have a taller elongated flat roof design. This leads me to consider that the detached outbuilding subject of the LDC would have a less harmful effect on the Green Belt in terms of the amount of built form and its effect on openness, but also on the character and appearance of the area. The potential infilling of the resultant gap that would arise from the LDC scheme with a high wall would not change this less harmful effect overall.

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<sup>1</sup> Council Refs: 20/00586/CLD and 20/00618/CLD

15. Two further alternative detached outbuildings are advanced by the appellant. Either could see such a building built a short distance from and across the bungalow's rear elevation. The first alternative would use a dual pitched roof; the other a flat roof which closely resembles the proposed extension. Both may well be possible, though each would be very close to each of the rear facing windows. Not every window serves a room which would involve the occupants spending significant periods of time in, but two of the three bedrooms, including the largest would lose their outlook and be heavily reliant upon artificial light. Occupants living conditions would be significantly affected. Internal alterations to the property could be made to change the layout or location of rooms. However, the effect of either alternative outbuilding along with the existing position of the kitchen and bathroom is likely to constrain what is feasible. For these reasons, even though it might be possible, I am not satisfied that there is a greater than theoretical possibility that these developments might take place.

### **Conditions and Conclusion**

16. The proposal would be inappropriate development in the Green Belt and result in a loss of openness. By definition these are harmful and I attach them substantial weight as required by Framework paragraph 144. The proposed extension would also cause harm to the character and appearance of the area.
17. I have considered the fallback position put before me by the appellant in respect of the proposed extension, however I conclude that this does not clearly outweigh the harm that I have identified. Thus, the very special circumstances necessary to justify the proposed extension do not exist.
18. Insofar as the detached garage, I conclude that the fallback position clearly outweighs the harm that I have identified. As the proposed garage is physically and functionally separate from the proposed extension, I consider it would be appropriate to issue a split decision in this case and allow the appeal. I have imposed a plans condition in the interests of certainty. A condition about matching materials is not necessary given the materials listed on the approved garage plan. I have imposed a modified version of the suggested condition concerning tree protection measures detailed in the submitted assessment and method statement to ensure existing trees are retained and to protect the visual amenity of the area. The suggested removal of permitted development rights would not be necessary as it would not be required to make the garage acceptable in planning terms.
19. For the reasons given above I conclude that the appeal should be allowed insofar as the detached garage and dismissed insofar as the rear extension.

*Mr Andrew McGlone*

INSPECTOR