



Appeal Decision

Site visit made on 2 February 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2021

Appeal Ref: APP/M0655/W/20/3261754

116 Heath Lane, Warrington WA3 7DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr S Bell against Warrington Borough Council.
 - The application Ref 2020/37359, is dated 14 July 2020.
 - The development proposed is a rear first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear first floor extension at 116 Heath Lane, Warrington WA3 7DS in accordance with the terms of the application, Ref 2020/37359, dated 14 July 2020, 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:
 - BA_DR_Zz_70_30_002 REV2 (Proposed Building Elevations)
 - BA_DR_Zz_70_60_001 REV2 (Location Plan)
 - BA_DR_Zz_70_60_002 REV2 (Proposed Site Plan)
 - BA_DR_Zz_70_60_004 REV2 (Proposed Building Plans)
 - 3) The facing and roofing materials to be used in the construction of the extension hereby approved shall match in colour, texture and coursing those used on the existing building.

Background and Main Issues

2. The Council had not determined the planning application before the appeal was lodged. The appeal site is within the Green Belt, and the Council's appeal statement indicated that it would have refused the application as a disproportionate addition to the original property which would be inappropriate development within the Green Belt.
3. The main issues are therefore whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies, and if so whether or not 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

Inappropriate development in the Green Belt

4. The appeal property is a post-war semi-detached dwelling on the north east side of Heath Lane, within a small cluster of residential properties a short way north of the main village of Croft. To the rear of the site are domestic gardens of other properties on Heath Lane, and beyond these is open countryside.
5. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy, set out in the Framework, is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances, while Paragraph 145 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 145(c), 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 building'*. Policy CS5 of the 2014 Warrington Local Plan Core Strategy states that *'development proposals within the Green Belt will be approved where they accord with relevant national policy'*.
6. The Framework does not specify either in relative or absolute terms what might be a disproportionate addition. The Council's 2003 House Extensions Supplementary Planning Guidance (the SPG) seeks to ensure that the open and rural character of Green Belt areas is respected. It advises that *'the Council generally considers an increase in floorspace of more than a third added to the original dwelling [...] would be disproportionate'*, although it also then states that each case is judged on its own merits.
7. The proposed development involves the erection of a first-floor extension to the rear of the dwelling, to create additional living space above an existing ground floor extension. It would be approximately 6.3m wide and project around 3m beyond the main rear elevation. The evidence before me indicates that the proposed extension, plus those which have already been built, would result in the floorspace of the original dwelling having been increased in total by around 39%. This is some way over the one third guideline set out in the SPG.
8. However, the proposed extension would have the same external dimensions as the existing ground floor extension below, and there would therefore be no increase in the built footprint of the dwelling. There would be no projections or cutaways at first floor level, and the extension would have a hipped roof at a 90 degree angle to the main dwelling. It would also be an approximate mirror image of the extension at the rear of the next-door dwelling at No 114 Heath Lane. As a result of these factors I consider the extension would have an orderly and 'authentic' appearance which would be well-integrated with the existing building. I note that, other than in terms of its size in relation to Green Belt policy, the Council did not raise any more specific concerns about the design of the proposed extension, or its effects on the character and appearance of either the host building or the wider area.
9. While the proposal would breach the SPG's size guideline this is not a rigid rule, and nor should it be in the light of national and local policy. The proposed

extension would not be an imposing, intrusive or dominant structure, but a well-considered, modest and sympathetic addition to the dwelling.

10. I conclude that the proposal would not be inappropriate development within the Green Belt. It therefore complies with Policy CS5 of the 2014 Warrington Core Strategy and with national Green Belt policy set out in the Framework, which seek to protect the Green Belt from inappropriate development.

Very special circumstances

11. As the extension would not be inappropriate development in the Green Belt, it is not necessary for me to consider whether or not there are 'very special circumstances' which would otherwise be required to justify the proposal.

Other Matter

12. Both parties' statements addressed the time taken to deal with the planning application and the Council's failure to issue a decision. However, these matters are not relevant to the planning issues in the appeal, and have had no bearing on my decision.

Conditions

13. I have considered the conditions suggested by the Council in the light of Paragraph 55 of the Framework and advice in the Planning Practice Guidance (the PPG). As well as the standard time limit condition (1), I have specified the approved plans to provide certainty (2) and that external materials to be used should match the existing building in order to protect the character and appearance of the host building and the area (3).
14. I have not imposed the suggested condition removing certain permitted development rights, which the Council considered would be necessary to '*prevent further harm to the Green Belt*'. Paragraph 53 of the Framework indicates that '*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so*'. The site's location within the Green Belt is not in itself a clear justification, and while I recognise the Council's responsibility to protect the Green Belt there is no indication in the Framework that permitted development rights should be restricted as a matter of course. The site is not in an otherwise sensitive location, and there is no evidence that works which may be allowed as permitted development would have an adverse effect on the character of the area or on living conditions. Such a condition would therefore be neither necessary nor reasonable, and in my view fails the tests of Paragraph 55 of the Framework.

Conclusion

15. The proposed extension would not be inappropriate development in the Green Belt, and no other harm has been identified which would justify refusing planning permission. The appeal is therefore allowed.

M Cryan

Inspector