



Appeal Decision

Site visit made on 20 July 2021

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th August 2021

Appeal Ref: APP/M0655/D/21/3276948

49 Crouchley Lane, Lymm, Warrington, WA13 0AT

- 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 Nigel Appleton against the decision of Warrington Borough Council.
 - The application Ref 2021/38926, dated 10 March 2021, was refused by notice dated 6 May 2021.
 - The development proposed is a new front bay window, chimney and entrance porch.
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Decision

1. The appeal dismissed.

Procedural Matter

2. In June 2021, after the submission of the appeal, the Council adopted a new *House Extensions Supplementary Planning Document* (SPD). As a result, I sought the views of both main parties regarding this. A revised *National Planning Policy Framework* (the Framework) was published in July 2021. However, apart from the paragraph numbering, the section on Green Belts, which is the one most relevant to this appeal, has not changed. I have determined the appeal on the basis of national and local policies as adopted at the present time.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development, 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 necessary to justify it.

Reasons

Whether inappropriate development

4. Policy CS5 of the *Warrington Local Plan Core Strategy (adopted July 2014)* (LP) indicates that development proposals within the Green Belt will be approved where they accord with the relevant national policy. Paragraphs 149 and 150 of

the Framework set out the forms of development that are not inappropriate in the Green Belt. These 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 (paragraph 149 c)).

5. What constitutes a disproportionate addition is not defined in either the LP or the Framework. However, the SPD states that any extensions and alterations that result in an increase in size of over 33% of the original building will be considered to be disproportionate.
6. The original dwelling has previously been extended on a number of occasions. The Council figures, that are not disputed by the appellant, show that these previous extensions to the house, excluding the detached garage and outbuildings on the site, has resulted in an increase in its footprint that is significantly more than 33%.
7. It is proposed to replace the existing porch with one of a similar height and volume, as such this element of the appeal scheme would not alter the footprint or volume of the dwelling. In addition, it is proposed to add a chimney and a bay window to the lounge. The Council's undisputed calculations show that the increase in the footprint and volume created by these would be small. However, when taken cumulatively with the previous extensions, the increase in the footprint of the original dwelling would be 134%.
8. I accept that the proposed extensions would be very modest in size, and that the SPD is only guidance. Nevertheless, due to the extent the dwelling has already been extended, I can only conclude that any further extensions are disproportionate additions to the size of the original dwelling.
9. In the light of the above, I conclude that the proposal would be inappropriate development, which according to paragraph 147 of the Framework is, by definition, harmful to the Green Belt.

Openness

10. Openness is an essential characteristic of the Green Belt. The proposal would not result in any significant change to the scale, mass or shape of the building. As such, the visual and spatial impact the proposal would have on the openness of the Green Belt would be negligible.

Other Considerations

11. It is suggested that the chimney would improve the design of the dwelling as it would complement the chimney on the other side elevation. However, the existing chimney is not a prominent feature on the dwelling and does not result in the house having an unbalanced appearance. Moreover, it is commonplace for houses to only have one chimney and so the current dwelling does not look incongruous as a result of only having a single chimney. As a result, I give this little weight.

Other Matters

12. In support of the appeal my attention has been drawn to two other appeals¹ for extensions to dwellings in the Green Belt that indicate that consideration of whether or not a proposal is disproportionate should not just be a

¹ Appeal references APP/B3030/D/19/3241277 and APP/Y3615/W/18/3202309

mathematical test but should take account of its impact on the scale, bulk and massing. However, I note that whilst the inspectors did take account of such factors, they also considered the mathematical figures. In both cases they considered that in mathematical terms, the proposed extensions when taken cumulatively with previous extensions would not have been disproportionate. This is not the case here, as the previous extensions have already resulted in increases to both the footprint and volume of the original building that are far greater than is normally considered disproportionate.

13. Reference has also been made to a high court judgement² where it is stated that whether or not the openness of the Green Belt is preserved generally requires an assessment of both the spatial and the visual impact of a proposal. However, unlike some of the other clauses in paragraphs 149 and 150 of the Framework, the impact of a proposal on openness is not a determinative factor in whether or not a proposal represents a disproportionate addition to the original dwelling. Moreover, this judgement gives no indication that both the visual and spatial impact should be considered when deciding whether or not a proposal represents a disproportionate addition.

Planning Balance and Conclusion

14. The proposed development would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework (paragraph 148) substantial weight has to be given to any harm to the Green Belt. Whilst I have concluded the impact on openness would be negligible, an absence of harm in this regard is a neutral factor. Nevertheless, having regard to all the other considerations, I consider that the factors in the scheme's favour do not clearly outweigh the harm it would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with Policy CS5 of the LP and the Framework.
15. Therefore, for the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

² Euro Garages Ltd v SSCLG & Anor [2018] EWHC 1753 (Admin)