



Appeal Decision

Site visit made on 2 August 2021

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2021

Appeal Ref: APP/W4223/D/21/3271663

Woodside Farm, Cinder Hill Lane, Chadderton, Oldham, OL1 2SU

- 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 Mohammed Akram Dad against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HOU/345700/20, dated 22 October 2020, was refused by notice dated 29 January 2021.
 - The development proposed is a rear dormer and side conservatory extension.
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Decision

1. The appeal is dismissed insofar as it relates to the side extension. The appeal is allowed insofar as it relates to the rear dormer and planning permission is granted for a rear dormer at Woodside Farm, Cinder Hill Lane, Chadderton, Oldham, OL1 2SU in accordance with the terms of the application, Ref HOU/345700/20, dated 22 October 2020, subject to the following condition
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: Location Plan Drawing No 10205608/6; Existing Layouts Drawing No 10205608/1; Existing Elevations Drawing No 10205608/2; Proposed Layouts and Location Plan Drawing No 10205608/3; Proposed Elevations Drawing No 10205608/4; and Proposed Roof and Site Plan Drawing No 10205608/5.

Preliminary Matters

2. 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.
3. The side extension and the dormer have already been built and I have determined the appeal on this basis.

Main Issues

4. 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

5. Policy 22 of the *Joint Core Strategy and Development Management Policies Development Plan Document (adopted November 2011)* (DPD) indicates that development within the Green Belt will be permitted where it does not conflict with national policies on Green Belt. 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)).
6. What constitutes a disproportionate addition is not defined in either the DPD or the Framework. As such, what is a disproportionate addition is a matter of judgement for the decision maker.
7. The dwelling has previously been extended and the Council have calculated that these extensions have increased the volume of the original dwelling by around 91.5%. This figure has not been disputed by the appellant.
8. I have not been provided with any figures for the volume of the dormer, but the Council's undisputed calculation is that the side extension has a volume of 53.9m³. Whilst in themselves the individual extensions are modest in size, when taken cumulatively with the previous extensions, the increase in volume of the original dwelling would be over 100%. I consider that an increase in volume of this magnitude is a disproportionate addition to the dwelling.
9. In the light of this, 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. It can be taken as the absence of buildings and development. Whilst the dormer does not increase the footprint of the building the side extension does. In addition, both extensions increase the mass and bulk of the property. As a result, both spatially and visually, the openness of the Green Belt has been reduced. Although in isolation the loss is minimal, nonetheless, there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Other Considerations

11. The Council have stated that a Lawful Development Certificate (LDC) has been granted previously for a rear dormer, the height and massing of which is only slightly less than the dormer that has been built on the property. This is a fallback position that I need to consider. The Council state that, due to the minimal difference in the scale and massing, replacing the dormer that has been built with the one subject to the LDC, would have negligible impact on the openness of the Green Belt. I see no reason to disagree with this conclusion.

12. On the basis of the evidence before me, I consider that there is a realistic prospect that the fallback scheme would be pursued should this appeal fail, since the opening in the roof has already been made and a slightly larger dormer constructed.
13. The property is set in extensive grounds with mature vegetation and the house itself is set back a considerable distance from the road. As such, the extensions are largely screened from view from both the public realm and other properties. In addition, it is not disputed that the extensions do not have any adverse impact on wildlife. However, an absence of harm in these matters is a neutral factor.

Other Matters

14. The appellant has stated he was informed by the building company that the side extension did not require planning permission. Whilst this is unfortunate, it is not a reason to allow the extension.
15. I note the personal circumstances of the appellant, the desire to provide space for his family, and the potential disruption that will result from the need to rectify any building work. However, personal circumstances rarely outweigh general planning considerations, and it is likely the extension would remain long after the current personal circumstances cease to be material.
16. The appellant has highlighted that permission has previously been granted for a 2 bed dwelling to the rear of his house. However, I do not know the circumstances that led to this proposal being considered acceptable including when it was approved or what was previously on the site. In any case, a new dwelling is not a direct parallel for a scheme to extend an existing house and is subject to different considerations in the Framework.

Conclusion and Conditions

17. The extensions are inappropriate development in the Green Belt, which is harmful by definition. In addition, there is harm arising from the reduction in openness caused by the extensions. According to the Framework (paragraph 148), substantial weight has to be given to any harm to the Green Belt.
18. However, the two elements of the appeal scheme are severable and in relation to the rear dormer I attach considerable weight to the fallback position. Comparing this element of the appeal scheme with the fallback, there is negligible additional harm caused to the Green Belt by the appeal scheme. Therefore, the other considerations in relation to the dormer clearly outweigh the harm it would cause to the Green Belt. Consequently, for the rear dormer the very special circumstances necessary to justify it exist and this element of the scheme would not conflict with Policy 22 of the DPD or the Framework outlined above.
19. In terms of the side extension, despite having regard to the other considerations put before me, I consider that the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the side extension do not exist. As a result, the proposal would be contrary to Policy 22 of the DPD and the Framework.

20. Therefore, for the reasons set out above, I conclude the appeal should be allowed in respect of the rear dormer but dismissed in respect of the side extension. As the rear dormer has already been constructed the only condition I consider necessary is to define the plans with which the dormer has to accord. This will provide certainty and avoid any confusion with the dormer permitted under the LDC.

Alison Partington

INSPECTOR