



Appeal Decision

Site Visit made on 23 November 2021

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/P2365/D/21/3280482

154A Smithy Lane, Scarisbrick L40 8HW

- 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 Paul Crouch against the decision of West Lancashire Borough Council.
 - The application Ref 2021/0216/FUL, dated 16 February 2021, was refused by notice dated 8 July 2021.
 - The development proposed is construction of a new ground floor rear extension 3m from the existing rear wall to full width of the plot. Construction of a first floor rear extension 3m from the existing rear wall with a width of approximately 6m. Construction of a new link from the rear extension to the existing outbuilding located on the property. Internal remodelling which includes a new office, wc, dining area, utility and gym on the ground floor and a new bathroom and master suite on the first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the West Lancashire Green Belt. Accordingly, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect on highway safety with particular regard to car parking provision, and
 - whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, and if so, whether this would amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether Inappropriate Development

3. The Framework regards the construction of new buildings as inappropriate in the Green Belt. One of several exceptions to this 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. In that Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document (WLLP) sets out

that development proposals within the Green Belt will be assessed against national policy, amongst other matters, it is consistent with the Framework in this respect.

4. The Framework does not provide a definition of what is considered to be a disproportionate addition, but the Council's Supplementary Planning Document Development in the Green Belt (SPD) at POLICY GB4 establishes amongst other matters, that extensions to buildings (including previous extension), should not result in an increase of more than 40% above the volume of the original building.
5. There is no dispute that the host building has been extended to the side and has a conservatory on the rear elevation. Likewise, it is accepted that with the demolition of the rear conservatory that the proposed extension would exceed the tolerances set out in SPD POLICY GB4, with reference being made to a 66.4% volumetric increase above that of the original house by the appellant.
6. The supporting text to SPD POLICY GB4 however sets out that the figure of 40% is provided as a guide only and that some extensions marginally exceeding this figure may be acceptable in the Green Belt, depending on their form and projection and resultant effect on openness.
7. The proposed extension would be similarly located to that shown on figure 3 of the SPD in terms of extensions, with a modest sized single storey rear projection which would connect the existing outbuilding to the rear of the extended property. However, notwithstanding this, and mindful that the Framework requires an assessment to be made on the overall size increase of additions to the original building and not just its volume, I find that the proposal, which would result in a 2-storey addition which would project significantly beyond the existing roof plane of the property and the associated mass and bulk, would, taken with the side extension, result in the original property being engulfed by extensions.
8. Accordingly, I conclude that the proposal would result in disproportionate additions over and above the size of the original building and would therefore comprise inappropriate development in the Green Belt as described in paragraph 149 c) of the Framework and WLLP Policy GN1. There would also be conflict with SPD POLICY GB4.

Openness

9. Paragraph 137 of the Framework sets out that openness is one of the essential characteristics of Green Belts. Openness has both visual and spatial dimensions.
10. In this case the proposal would increase the size, bulk and massing of the property and whilst views of the new extensions would be limited and localised, primarily from nearby properties and rear gardens and in the context of the existing building, the proposal would have both a spatial and visual effect on openness. The proposal would thus have a greater impact on the openness of the Green Belt, in that it would be reduced.

Highway Safety

11. To the front of the property is a garden and parking area, with space for 2 vehicles. I understand that the Council's standards for a 4 bedroom property as proposed is for 3 car parking spaces to be provided.
12. In this respect and subject to the low wall and planting being removed to the front of the property and possibly the re-siting of the lamp post I am satisfied that these standards could be met, as indicated by the appellant on his proposed site plan. This is a matter that could be secured by planning condition and such an arrangement would not be dissimilar to nearby properties. Accordingly, I find that there would be no conflict with the highway safety aims of WLLP Policy IF2.

Other Considerations

13. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. I acknowledge that there is no dispute over the design of the proposal and in this respect, there is no conflict with WLLP Policy GN3 or that part of SPD POLICY GB4 relating to this matter. However, the effect of the proposal on the character and appearance of the host property and locality is a separate assessment to that in respect of the Green Belt. An absence of harm in this regard does not provide justification for development that would be harmful to the Green Belt. This is a neutral factor in this case.
15. I observed nearby properties which had been extended to the rear including at No 156 Smithy Lane, however I am not aware of the circumstances that led to their presence. I am therefore unable to assess whether nearby development is directly comparable to that before me. Limited weight is given to this matter.

Conclusion

16. The appeal proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. It would also be harmful to the openness of the Green Belt, in that openness would be reduced. These are matters, which according to the Framework, I attach significant weight.
17. Balanced against that are the other considerations advanced, and the absence of harm to highway safety, which, even when considered together, do not clearly outweigh the harm to the Green Belt.
18. Accordingly, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Consequently, the proposal conflicts with WLLP Policy GN1, and SPD POLICY GB4.
19. The proposal would not accord with the development plan and there are no material considerations to outweigh that finding. Therefore, for the reasons given, the appeal is dismissed.

RC Kirby

INSPECTOR