The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2022

Appeal Ref: APP/M2325/D/21/3276242
Greenacres, Division Lane, Lytham St Annes, FY4 5EA

- 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 Michael Ratcliff against the decision of Fylde Borough Council.
- The application Ref 21/0009, dated 5 January 2021, was refused by notice dated 9 March 2021.
- The development proposed is a first floor side extension with front and rear dormers.

Decision

1. The appeal is dismissed.

Procedural Matter

2. A partial review of the *Fylde Local Plan (adopted October 2018)* (FLP) was adopted in December 2021. However, this did not have any impact on Policy GD2 of the FLP which is the only policy referred to in the reason for refusal.

Main Issues

3. The main issues in the appeal are:

   - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
   - The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
   - 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. The appeal property lies within the Green Belt as defined by the FLP where Policy GD2 indicates that proposals will be assessed against national policy for developments within the 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)].

5. It has been argued by the appellant that paragraph 149 of the Framework relates to new buildings and this is an extension to an existing building not a new building. However, given that part c) of this paragraph specifically addresses when extensions and alterations to buildings may potentially not be inappropriate development, I consider that it can be taken that alterations and extensions to buildings do fall within the remit of this paragraph.

6. What constitutes a disproportionate addition is not defined in either the FLP or the Framework. Policy H7 of the FLP indicates that in the countryside extensions to dwellings should not result in an increase in the original footprint greater than 33%. Whilst this policy does not relate specifically to developments in the Green Belt, which within national policy are subject to different guidance than development within the countryside, it is a consideration to be borne in mind. However, in the absence of any specific guidance in national or local policy on what constitutes a disproportionate addition, it is a matter of judgement for the decision maker.

7. The dwelling was originally a bungalow and has previously been extended on a number of occasions, both by way of various single storey extensions and a first floor extension over the eastern half of the property. The Council have calculated that these have resulted in an increase in the footprint of the original dwelling of around 32.5%. The proposal would not alter this. However, their calculations also show that the volume of the original dwelling has already been increased by around 63%. When taken cumulatively with the previous extensions, the proposal would result in the volume of the original dwelling being increased by approximately 100%. The appellant has not provided any calculations to counter those of the Council.

8. Although the proposal would not increase the footprint of the building, I consider that a cumulative increase in the volume of this scale can only be considered to be disproportionate in size to 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 and purposes

10. Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development. The proposal would not increase the footprint of the building, but the mass and bulk of the property would still be increased by additional built development, and so the openness of the Green Belt would be reduced. Although in isolation the loss would be minimal, nonetheless, there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

11. There is no suggestion that the proposal would conflict with any of the purposes of including land within the Green Belt – a conclusion with which I agree. Nevertheless, a lack of harm in this respect is a neutral factor.

Other Considerations

12. The appellant has highlighted that Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows the enlargement of a dwelling by the construction of an additional storey and that this right applies whether or not a property is in the

Green Belt. It is suggested that using these rights would potentially allow a higher, and less well designed, extension to be constructed on the host property. The existence of a fall-back position is a material consideration.

13. However, the appellant's evidence also indicates that informal advice from the Council suggested that as the property has already had a first floor extension, these provisions would not apply. I note that the appellant has not sought any formal determination from the Council to ascertain whether any such extension could be built. Nor is there any evidence to show that should the current appeal be unsuccessful, it would be the intention of the appellant to build an alternative scheme utilising these potential permitted development rights.

14. It is not within the scope of an appeal pursuant to section 78 of the Town and Country Planning Act 1990 for me to determine the extent of the permitted development rights asserted. In the absence of any formal determination with regard to whether any such extension would be permitted development I give this potential fall-back position little weight.

15. In 2017 permission was granted for a first floor extension in a similar position to the proposal. This had a different design to the appeal scheme but overall, the appellant has argued that the current proposal would be more in proportion to the host property and would have less of an impact on openness. He considers that the Council have been inconsistent in concluding that the former scheme was not a disproportionate addition but that the current scheme is. I do not know the full circumstances that led to the previous scheme being considered acceptable. Whilst I can appreciate the appellant's frustration that the two applications have been determined differently, the former permission is no longer extant and so does not represent a fall-back position. As a result, I give it little weight.

16. The appellant has set out detailed arguments as to how he considers the design of the proposal would ensure it was subservient to the main dwelling and so would not appear a dominant or disproportionate addition. It is also highlighted that the various different ground floor extensions individually are relatively small.

17. Be that as it may, the test in the Framework is whether a proposal represents a disproportionate addition over and above the size of the original dwelling. As such, whilst the design of the extension in relation to the existing property is an important consideration in terms of its impact on the character and appearance of the area, the test in paragraph 149 c) of the Framework requires an assessment of whether the proposal, in combination with any previous additions to the original building, results in a disproportionate addition in terms of its size not its design.

Conclusion

18. The proposed development would be inappropriate development in the Green Belt, which is harmful by definition. It would also cause harm to the openness of the Green Belt. In accordance with paragraph 148 of the Framework, I attach substantial weight to the harm to the Green Belt. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause.

19. Consequently, the very special circumstances necessary to justify the development do not exist. As a result, the proposal would be contrary to Policy GD2 of the FLP and the Framework. Therefore, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR