



Appeal Decision

Site visit made on 26 January 2022

Decision by C Rafferty LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9th February 2022

Appeal Ref: APP/N4205/D/21/3282539

1 Reedymoor, Mill Lane, West Houghton WN2 3JR

- 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 R Gastall against the decision of Bolton Council.
 - The application Ref 10468/21, dated 30 December 2020, was refused by notice dated 8 June 2021.
 - The development proposed is described as 'permitted development rights removed rear single storey pitched roof extension (not accepted by L.A.)'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework);
 - (ii) The effect of the development on the openness of the Green Belt; and
 - (iii) If found to be inappropriate development, whether 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

Whether the proposal constitutes inappropriate development

1. The appeal site comprises a detached two storey property situated in the Reedymoor cul-de-sac, a cluster of dwellings located in an area with an otherwise open and rural feel within the Green Belt. To the rear of the site the dwelling benefits from sizeable gardens backing onto open fields. The proposal relates to the erection of a single storey rear extension at the property.
2. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. While the construction of new buildings is inappropriate in the Green Belt, there are a limited number of exceptions, as detailed by paragraph 149 of the Framework. This includes at 149(c) "*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*". Original building is defined in the Framework as the building as it existed

on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. However, the concept of a disproportionate addition has not been defined.

3. Policy CG7AP of Bolton's Allocation Plan, December 2014 echoes the position of paragraph 149 of the Framework. The Council further states that it holds a threshold which limits development to 30% of the original dwelling to avoid any undue impact to the Green Belt and to avoid additions which are disproportionate to the original dwelling. While a disproportionate addition is not defined in the Framework, the concept of increases over 30% being disproportionate is a reasonable stance, and this particular figure has not been disputed by the appellant.
4. No plans have been provided showing the original dwelling, and the extent of previous extensions and additions was not immediately apparent from the site visit. However, the Council has provided figures demonstrating that the proposal would result in an overall cumulative increase of 69.38% when compared to the original dwelling. This has not been disputed by the appellant and I have no reason to doubt its accuracy. This sizeable figure is well in excess of the 30% threshold and clearly represents a disproportionate addition. Therefore, taking account of the cumulative effects of the proposal when combined with previous extensions, it would result in disproportionate additions over and above the size of the original building.
5. Accordingly, the proposal does not fall within the exception at Paragraph 149(c) of the Framework. There is no suggestion that the proposal would meet any other exception listed in the Framework and it would therefore represent inappropriate development.

Impact on openness

6. The Framework states that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* It has been established that openness has both a spatial and visual aspect.
7. From a spatial perspective, the development would inevitably lead to a reduction in the openness of the Green Belt by introducing additional built elements at the site. However, it is relatively modest in size and scale in its own right. It would not extend beyond the side elevation of the current dwelling and a sizeable area of gardens to the rear would remain.
8. From a visual perspective, the development would be largely unseen from public vantage points given the private nature of the cul de sac and the lack of views of the proposal from Reedymoor. From the rear, while immediately adjoining neighbours would have views of the development, other visibility would be limited due to the presence of surrounding open fields.
9. Therefore, having regard to the location of the site and the position of surrounding development, I conclude that the harm to the Green Belt arising from loss of openness would be limited.

Other matters

10. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

11. The parties are in agreement that the proposal would be largely unseen from public vantage points and the Council has expressly concluded that it would be acceptable in terms of its impact on the character and appearance of the dwelling and the surrounding area. This is acknowledged, but represents a lack of harm, which is a neutral matter that does not weigh in favour of the proposal.
12. The appellant has also made reference to various other developments at the appeal site and other properties in the street which the Council have concluded do not visually harm the Green Belt. The appellant alleges that this shows an inconsistency in approach when assessing extensions in the area. However, limited information on these other extensions, or their comparability to the proposal, is provided. In any event, the proposal must be assessed on its own merits and a general reference to previous development at the site or nearby carries limited weight.

Whether Very Special Circumstances Exist

13. It is accepted that the harm arising from loss of openness would be limited. However, the proposal would represent a disproportionate addition over and above the size of the original dwelling and would therefore amount to inappropriate development in the Green Belt.
14. The Framework establishes that substantial weight should be given to any harm to the Green Belt. When taken cumulatively, the other considerations advanced in support of the scheme attract limited weight and do not clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

15. For the reasons given, the proposal would not accord with Policy CG7AP of Bolton's Allocation Plan, December 2014 or the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR