



Appeal Decision

Site visit made on 1 February 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/M0655/W/21/3284570

363 Warrington Road, Warrington, Cheshire, WA3 5JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Lyndon Barton against Warrington Borough Council.
 - The application Ref 2021/39406 is dated 14 May 2021.
 - The development proposed is described as 'Alterations and First Floor Side Extension'.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. Notwithstanding the description of the development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details before me that the development comprises a two storey side extension and alterations. The Council has dealt with the proposal on this basis and so shall I.
3. The appellant considers the land within the edge red line of the application site to form the appeal dwelling's curtilage. I have had regard to the appellant's submitted evidence and Counsel opinion on this matter. Nonetheless, it is not within my remit to determine whether this is lawful in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 (the Act). It is open to the appellant to apply for a determination under section 191 of the Act to determine this matter, and any such application would be unaffected by my determination of this appeal.
4. The Council's statement of case incorrectly implies that the appeal is against the Council's decision to refuse outline planning permission with some matters reserved. However, the appeal follows the Council's failure to determine a householder application within the prescribed period. The Council has indicated in its grounds of appeal, that had it been in a position to determine the application, it would have refused planning permission for reasons relating to inappropriate development in the Green Belt and character and appearance.

Main Issues

5. From the evidence before me, I consider the main issues to be:
 - (i) Whether the proposal would be inappropriate development in the Green Belt;
 - (ii) The effect of the proposal on the openness of the Green Belt and the character and appearance of the area;

- (iii) 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 very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

6. The appeal relates to a large two storey detached dwelling, known as 'Holcroft House' that sits within spacious grounds and holds a prominent position along Warrington Road. The surrounding area is characterised by pockets of housing of various size, scale and style that are interspersed by fields and large areas of open rural land. It is uncontested that the appeal site is outside of the defined inset settlement boundary and therefore lies within the countryside.
7. The appeal site is also located within the Green Belt. Policy CS 5 of the Warrington Borough Council Local Plan Core Strategy 2014 (Core Strategy) states that within the Green Belt development proposals will be approved where they accord with national policy.
8. The National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension of a building. This is providing it does not result in disproportionate additions over and above the size of the original building.
9. Neither the Framework nor the Core Strategy define 'disproportionate'. However, the Council's House Extensions Supplementary Planning Document 2021, (SPD) provides useful guidance for alterations and extensions in the Green Belt. It advises that any extensions and additions that result in an increase in size of over 33% of the original building will be considered to be disproportionate and therefore unacceptable.
10. The SPD sets out that this measurement will be based predominantly on floorspace and volume with footprint and height also being considered in terms of design and character of the area. Original in this context is also defined in the SPD as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. This is consistent with the Framework's definition of 'original building'. The SPD has also been subject to public consultation and is therefore a material consideration in my decision.
11. Whilst I have had regard to the appellant's historical photographs and maps of the appeal site and dwelling, neither main party has been able to demonstrate, with a sufficient degree of certainty, what the original building is or was comprised of. They also disagree about the floor space and volume of the original building, and the percentage increase of these factors in respect of the proposal's additional size.
12. Nonetheless, while the additional floor space would be less than 33%, even when using the appellant's figures, the proposal would result in a volume increase of over 33% of the original building. Moreover, assessing proportionality is an objective test based on size and although there would be a small increase in footprint, the proposal would add considerably to the width and bulk of the building at first floor level. It would also project outwardly at two storey level to the rear.

13. As such, the proposal would thereby result in a disproportionate addition over and above the size of the original building. Consequently, the proposed extension would be inappropriate development that is, by definition, harmful to the Green Belt, and in conflict with Core Strategy Policy CS 5 and advice contained in the SPD. These are broadly consistent with the objectives of the Framework in respect of Chapter 13 and protecting Green Belt land.

Openness and Character and Appearance

14. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.
15. The proposal would substantially increase the bulk and massing to the existing building and would be clearly visible from public views along Warrington Road. This would inevitably impact on the spatial and visual dimensions of the site and cause moderate harm to the openness of the Green Belt in this location. It would also fail, albeit to a relatively small extent, to safeguard the countryside from encroachment.
16. I recognise that the lowered roof heights of the proposal may result in it being seen against the backdrop of the main house from certain directions. Nonetheless, the width and mass of the proposed two storey side extension when combined with the varying roof forms, the front and rear dormer windows, and smaller sized ground and first floor window openings would not appear consistent with the form, scale and architectural style of this property.
17. The predominant impression of the proposal when viewed from Warrington Road would therefore be of an overly large and contrasting form of development that would be at odds with the size, scale and proportions of the existing building.
18. Whilst I recognise that the style and age of housing in the area is varied, on my site visit I did not see any housing of a similar size and scale as to what would result if this appeal was to be allowed. The proposal would thereby introduce an unsympathetic and dominant feature into the street scene.
19. Although conditions could be imposed regarding existing and proposed landscaping that would help screen the proposal, these should not be used to try to hide development which is inherently unacceptable. Furthermore, I do not have the full details of this proposed landscaping before me, and I therefore cannot be sure that it would provide effective mitigation.
20. As such, the proposal would unacceptably harm the character and appearance of the area and, in both visual terms and spatial terms the proposal would have a greater impact on the openness of the Green Belt than the existing development. It would therefore conflict with the design objectives of Core Strategy Policies QE7 and CC2. Conflict would also arise with design advice contained in the SPD which requires extensions to be designed to complement the existing house in terms of scale, design, roof pitch, materials, window placement and proportions. In addition, it would also fail to accord with the design objectives of the Framework, as advised in Section 12, and a fundamental aim of Green Belt policy, as set out in Section 13.

Other Considerations

21. The appellant has put forward that the appeal site does not contain any listed buildings and is not situated within a designated conservation area. In addition, I am aware that the Council did not find the effect of the proposal on the living conditions of the residents of neighbouring properties in respect of light, outlook or privacy to be objectionable. I also note that there is already car parking provision for a minimum of 3 vehicles on the site. However, these matters did not appear to be contentious in the appeal and the absence of harm in these respects would be neutral in the overall Green Belt balance.
22. It has been put to me that more harmful outbuildings and extensions could be erected under permitted development rights and represent a fallback position. However, there is no certificate of lawful development to this effect and no plans of such schemes before me. Therefore, given this uncertainty the fallbacks attract limited weight.
23. I have also been made aware of the appellant's family's need for additional space and the desire to provide a standard of accommodation suitable for modern day living. Nonetheless, personal circumstances will seldom outweigh more general planning considerations, particularly where development would be permanent. For the reason that they could be repeated so often in Green Belt situations across the country, such personal circumstances are not on their own capable of amounting to very special circumstances in the terms of national planning policy. The personal circumstances of the appellant therefore carry little weight.
24. The Local Government Ombudsman Report in respect of the Council's lack of planning history records is not a matter that affects my findings on the main issues. This is because I have only had regard to the planning merits of the case, on the basis of the evidence that is before me.

Conclusion

25. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. The Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, it would also moderately reduce the openness of the Green Belt, and cause harm to the character and appearance of the dwelling and area. Therefore, even when taken together, the other considerations reviewed above do not clearly outweigh the harm that the proposal would cause. Consequently, there are not any very special circumstances that are necessary to justify inappropriate development in the Green Belt. As a result, the proposal would conflict with Local Plan Policy CS 5 as set out above, and with Section 13 of the Framework which seeks to protect Green Belt land.
26. The appeal scheme would therefore conflict with the development plan and there are no material considerations worthy of sufficient weight, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. As such, the appeal is dismissed, and planning permission is refused.

Mark Caine

INSPECTOR