The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2022

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/M0655/D/21/3284323
Telford, Chester Road, Higher Walton, Warrington WA4 5LP

- 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 Lee McLaughlin against the decision of Warrington Borough Council.
- The application Ref 2021/39172, dated 26 March 2021, was refused by notice dated 1 September 2021.
- The development proposed is for erection of two storey front extension, loft conversion with rear facing dormer and hip to gable alterations to roof.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey front extension, loft conversion with rear facing dormer and hip to gable alterations to roof at Telford, Chester Road, Warrington WA4 5LP in accordance with the terms of the application, Ref 2021/39172, dated 26 March 2021, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: WA4 5LP/T/01, WA4 5LP/T/02, WA4 5LP/T/03 and WA4 5LP/T/04.

    3) Notwithstanding the provisions of Schedule 2 Part 1 Classes A, AA, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification): (i) no extensions shall be carried out to the dwelling (ii) no garages or outbuildings shall be erected within the curtilage of the dwelling (iii) no windows or dormer windows or other additions to the roof shall be added to the dwelling other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

Applications for costs

2. An application for costs was made by Mr Lee McLaughlin against Warrington Borough Council. This application is subject to a separate decision.

Preliminary Matters

Main Issue

3. The main issue is whether the proposal represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy.

Reasons

4. The appeal relates to a substantial detached dwellinghouse set within extensive grounds and alongside a ribbon of similarly sized dwellings within the Green Belt.

5. The Framework establishes that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless it falls as one of the exceptions listed. One of these exceptions is the extension or alteration of a building provided it does not result in disproportionate additions over and above the original building.

6. Policy CS5 of the adopted Warrington Local Plan Core Strategy (WCS) states that development proposals within the Green Belt will be approved where they accord with relevant national policy. The Council's House Extensions Supplementary Planning Document (SPD) explains that extensions that cumulatively increase the floorspace or volume of the original dwelling by more than a third are likely to be considered 'disproportionate' and therefore unacceptable. Although footprint and height are also used by the Council as additional factors to be considered where character and appearance are also relevant considerations of a proposal, it seems to me that these factors are also appropriate to the application of the Framework policy guidance on Green Belts.

7. The Framework identifies 'original building' as that which existed before 1 July 1948 or, if constructed after this date, as it was built originally. There is disagreement between the parties regarding the size of the original building. The Council relies on photographic evidence whilst the appellant provides calculations which indicate that the original, existing (after previous alterations) and proposed floor space and volume which would result from the development would not exceed 25.8%, whichever calculation is favoured. No measurements are provided by the Council to contradict the appellant's calculations. From the evidence, I am satisfied that the appellant's figures are convincing and, from my detailed site visit, can reasonably be relied upon.

8. I am conscious that the Framework does not set out to identify specific limits or thresholds in terms of floorspace or volume.

9. My attention has been drawn to a number of other appeal decisions both withing and outwith the Council's administrative area. Whilst I do not have full details of these cases, or the background to those decisions, to the extent that they consider the assessment of proportionality, they are helpful. I have considered this case on its merits and in the light of representations made.

10. The appeal dwelling is a detached dwelling set in a substantial garden area and well set back from Chester Road. The dwellings along this ribbon of development generally comprise sizeable, detached dwellings within generous gardens. In this context, the appellant explains that he has two extant

permissions; a prior approval for a single storey extension and a lawful development certificate (LDC) for a proposed two storey extension, single storey side extension, a double garage, driveway extension and rear patio approved in 2021. The LDC would allow for an increase in floorspace of 96 sqM. The prior approval would give an increased floorspace of some 88 sqM.

11. The Council appears willing to support the appeal scheme provided a Unilateral Undertaking is provided whereupon the appellant would agree not to implement the prior approval and the LDC schemes. This is not acceptable to the appellant who points out that the appeal development would be unable to be carried out in accordance with any approved drawing if the 2021 approved schemes went ahead. Although acknowledging the Council's desire for a watertight arrangement, I would agree with the appellant that the appeal development would be unable to be carried out alongside the 2021 schemes as this would contradict a planning condition that would be attached that restricted the permission to an agreed set of drawings in the event of the appeal being allowed. To this end, the Council would be in a position to control the development undertaken.

12. The Council has no concerns relating to the design of the appeal scheme and I agree with its assessment in this regard. Moreover, I am satisfied that the appeal proposal would not amount to a disproportionate extension.

13. Consequently, for the reasons given, I conclude that the proposal would not be inappropriate development in the Green Belt and that given my findings, it would not be harmful to openness or Green Belt purposes.

14. Accordingly, the appeal proposal would accord with Policy CS5 of WCS and relevant paragraphs of the Framework which seek to restrict inappropriate development in the Green Belt and to keep land permanently open.

Conditions

15. In addition to the standard time limit for commencement of development, a condition is included that restricts the development to that depicted in the approved plans. I have included the condition suggested by the Council in terms of withdrawing permitted development rights for further extensions to protect Green Belt openness but have not imposed the condition that would see the interfering of rights to commence development. This suggested condition would potentially be ultra vires as planning conditions cannot be used in a way that grants permission initially only for the rights of that consent to be removed later.

Conclusion

16. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Gareth W Thomas

INSPECTOR