



Appeal Decision

Site visit made on 19 July 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2022

Appeal Ref: APP/E2340/D/22/3292075

Newlands, Red Lane, Colne BB8 7JR

- 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 Roland Hall against the decision of Pendle Borough Council.
 - The application Ref 21/0748/HHO, dated 9 September 2021, was refused by notice dated 12 November 2021.
 - The development proposed is the erection of a three-storey front extension, a two storey side extension, and a first-floor games room above the existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Description of development

Main Issues

3. The appeal site is within the Green Belt. Accordingly, I consider that the main issues are:
 - Whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposed extension on the character and appearance of the host building and the area; and
 - If the proposal would be inappropriate development, whether or not 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

4. Newlands is a two-storey semi-detached dwelling, with a detached garage, sitting within an extensive garden. It lies on the south side of Red Lane and forms part of a varied group of houses (all with substantial garden space) which are outside the settlement boundary of Colne and within the Green Belt.

5. The proposed development is the erection of a front and side extension. it would have a three-storey front gable feature incorporating an enlarged study on the ground floor, a larger bedroom on the first floor, and an expanded bedroom within the attic level. The side extension would be a two-storey hallway and landing linking the main dwelling to the existing garage, above which a first-floor games room would be created.

Whether or not inappropriate development in the Green Belt

6. The Government attaches great importance to Green Belts. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances, while Paragraph 149 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 149(c), 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". The Framework's glossary explains that "original" in this case means "the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally".
7. It is evident that the property has been extended since it was originally built. The Council has stated, with reference to the 1948 map of the borough, that the original dwelling did not have the single-storey rear extension which is now in place, nor was the detached garage in its current position. It was also apparent to me on my site visit that, judging by the appearance of its brickwork which is notably newer than the rest of the main dwelling, the western bay (that part with the study, utility room and part of the kitchen on the ground floor, and two bedrooms at first floor level) is also not original, although there is nothing before me to indicate when this was added.
8. The Council explained that the appellant was asked to provide details of the external volume of the original dwelling, and the volume as it would be as a result of the appeal proposal. The Council's officer report indicates that the appellant stated the *current volume* (my emphasis) to be 785m³, and the proposed volume as 1,215m³. The Council therefore calculated that the proposed development would represent a 54% increase in the built volume on the site (though this figure is not disputed in the appellant's statement).
9. The Framework does not specify either in relative or absolute terms what might be a disproportionate addition, nor have I been referred to any such figures in the Council's development plan policies or Supplementary Planning Documents¹. Based on my experience elsewhere, and accepting that a lower limit was previously applied within Pendle, an increase in volume of 33% to 40% would typically mark the threshold beyond which an extension would be likely to be considered "disproportionate", though of course this is rarely a hard and fast rule. I consider that a 54% increase in volume would represent the building having been expanded by a significant amount. Given the telling use of the phrase "current volume" in the Council's officer report, it is quite likely that the proposed development would represent an even greater enlargement when compared to the "original" building as it stood in 1948.

¹ The Council's 2009 *Design Principles SPD* identifies extensions which exceed the volume of the original dwelling by 25% or more as being disproportionate in this context, though this is with reference to a policy applying that limit in the now-superseded Replacement Pendle Local Plan.

10. Looking beyond the measurements of volume which have been provided to me, the proposed extensions would introduce a large new amount of built mass alongside the existing dwelling and above the garage. The submitted drawings suggest that the scheme would more or less double the amount of two-storey frontage on the property. However it is assessed, the proposal would represent a substantial alteration to, and expansion of, the original form of the appeal property.
11. Whether taken terms of volume, or its visual impact on the scale of the dwelling, I therefore consider that the proposed extension would represent a disproportionate addition over and above the original building. Consequently, it would not fall within the exception described in Paragraph 149(c) of the Framework, and would be inappropriate development in the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance as required by Paragraph 148 of the Framework.

Openness of the Green Belt

12. A fundamental aim of Green Belt policy, set out Paragraph 137 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site.
13. The proposed extension would significantly increase the amount of built form on the appeal site. It would therefore reduce the spatial openness of the Green Belt. The additional built mass of the extended property, along with the height of the front gable, the link section, and the games room above the garage, would be visible in public views of Newlands from Red Lane and the countryside to the north. It would also therefore reduce the visual openness of the Green Belt.
14. Overall there would be a harmful loss of openness of the Green Belt. While this would be small in the context of the Green Belt as a whole, once again the Framework is clear that substantial weight should be given to any harm to the Green Belt. The proposal would also conflict with Policy ENV2 of the 2015 Pendle Local Plan Core Strategy ("the Core Strategy"), which requires that development proposals should "maintain the openness of the Green Belt" and is consistent with the Framework in this regard.

Character and appearance

15. The Council's 2009 *Design Principles SPD* ("the SPD") advises that extensions and garages should not be dominant in size or design, and that two-storey side extensions should respect balance and symmetry where they are to be added to semi-detached properties.
16. It was apparent on my site visit that, notwithstanding the substantial size of its plot and the incremental additions to Newlands over the years, the original dwelling is in fact a fairly typical semi-detached house of reasonably moderate proportions. The proposed front gable would be a very visible addition to the building, and the combination of its height, prominence and width would be quite at odds with the original modest form and scale of the dwelling. The

combination of the two-storey “link” block and the additional height added to the garage would result in the appeal property, and the semi-detached pair of which it is part, becoming very unbalanced in appearance.

17. I acknowledge that there is a considerable degree of subjectivity in assessing the question of whether or not a development sits comfortably on its site, and its effect on the character and appearance of the area. However, while certain elements of the proposal would be acceptable, notably the choice of materials to complement the existing dwelling, I consider that the overall effect of the extensions would be to subsume and overwhelm the original building.
18. I conclude that the proposed extension, through its size and scale, and by unbalancing the semi-detached pair including Newlands, would be harmful to the character and appearance of the host building and the wider area. The proposal would therefore conflict with Policy ENV2 of the Core Strategy, which seeks to deliver high quality design which contributes to the sense of place and reflects local identity and character. It would also conflict with the requirements of set out in Chapter 12 of the Framework which seek to achieve well-designed places which are sympathetic to local character.

Other considerations

19. Although the appeal site is outside the urban boundary of Colne, it is within a clear ribbon of housing development along Red Lane. I acknowledge the appellant’s desire to extend his property to accommodate a growing family. However, that the site is within an established residential cluster does not set aside the requirement to have regard to national and local planning policy on the Green Belt. In this light, the appellant’s suggestion that “it is not the prerogative of the planning authority to intimate that because his current property sits within the Green Belt he cannot [extend it]” is a bold argument, but not one that carries weight in favour of the proposal.
20. The proposed development would not be detrimental to neighbours’ living conditions or harmful to highway safety. However, a lack of harm in these respects is a neutral factor in the overall balance.

Planning Balance and Conclusion

21. The proposal would be inappropriate development in the Green Belt, and would cause significant harm to the openness of the Green Belt, conflicting with Policy ENV2 of the Core Strategy which seeks to protect the openness of the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 148 of the Framework.
22. I have considered and weighed the benefits of the scheme which have been put to me by the appellant. However, for the reasons I have set out above, I consider that the substantial weight to be given to the Green Belt harm arising from the development is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector