
Appeal Decision

Site visit made on 20 September 2022

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/W4223/D/22/3302314
27 Chadderton Fold, Oldham OL1 2RR

- 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 & Mrs C Wilkinson against the decision of Oldham Council.
 - The application Ref HOU/348815/22, dated 1 April 2022, was refused by notice dated 30 June 2022.
 - The development proposed is demolition of porch and replacement with single storey extension to the front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of porch and replacement with a single storey extension to the front elevation at 27 Chadderton Fold, Oldham OL1 2RR in accordance with the terms of application ref HOU/348815/22, dated 1 April 2022, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Layout and Elevations, Drawing No. RC 04195447/1; Proposed Layout and Section, Drawing No. RC 04195447/2 ; Proposed Elevations, Roof and Site Plan, Drawing No. RC 04195447/3
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The site lies within the designated Green Belt. Accordingly, the main issues for consideration in this case are:
 - 1) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework and any relevant development plan policies.
 - 2) The effect on the openness of the Green Belt.
 - 3) Whether any 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 required to justify the proposal.

Reasons

Whether inappropriate development

3. 27 Chadderton Fold is a former garage associated with a neighbouring property which has been converted and extended by way of a front extension, a porch and conservatory, to form a two-bedroomed dwelling. Permission is now sought for the demolition of the porch and its replacement with an extension some 3m deep to the front of the building. The extension would match the form, design, and height of the existing structure.
4. The Government's policy for new development in the Green Belt is set out in the National Planning Policy Framework 2021 (the Framework). The aim of that policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
5. The Framework sets out that the construction of new buildings should be regarded as inappropriate development in the Green Belt but in paragraph 149 lists a number of exceptions to that, one of which, 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.
6. The Framework does not provide guidance on what may or may not constitute a disproportionate addition. The Council considers that 30% would be considered a proportionate addition although there is no supplementary or policy guidance which sets this out. It is therefore a matter of planning judgement.
7. The original building was extended by some 2.2m to the front when it was converted and a conservatory added to the side for which, I understand, planning permission was not sought. The Council considers that the extensions already built, plus that now sought, would result in a 100% increase in the footprint of the building. This is not disputed by the appellant. The increase in volume of the building is likely to be less than this in percentage terms because of the limited height of the conservatory. Nevertheless, the cumulative impact of the proposed extension and the extensions already built would be sizeable compared to the original building and would thereby constitute disproportionate additions to it.
8. The appellant has set out that it may be appropriate to consider the appeal under the exception under paragraph 149 e) of the Framework which relates to limited infilling in villages. I accept that the extension would be sited between two existing buildings, and would be limited in terms of its scale in relation to its surrounding buildings. However, it is unclear whether the Council regard the collection of properties in the area as a village.
9. Chadderton Fold is the name of a multi-branch road which serves a limited number of dwellings. Whilst the area has a pleasant semi-rural character, the group of buildings is indistinct as a settlement in its own right given it immediately adjoins the built up area to the south, itself is closely associated with Chadderton Hall Road and the northern part of Chadderton. Even though I note there is a sports club/field and public house in the vicinity of the site, there are limited facilities that would provide a village identity, no shop, place

of worship or school. There is no evidence before me that the open area is used for community events as a traditional 'village green'. As such whilst I note the Ordnance Survey map describes Chadderton Fold as a village, I am unconvinced on the evidence before me that it is a village for planning purposes. Therefore, even if it was appropriate to determine the proposal under paragraph 149 e), I am not convinced it constitutes limited infilling in a village.

10. As a result, I conclude that the proposal does not fall within any of the exceptions listed in paragraph 149, and it therefore constitutes inappropriate development.

The effect on the openness of the Green Belt

11. As set out above, openness is an essential characteristic of the Green Belt. In that the bulk of the building would be increased by additional built development, the proposal would reduce the openness of the Green Belt in both spatial and visual terms.
12. However, the extension itself would be modest in terms of both its footprint and volume. In addition to that, the building lies between two other buildings, a row of terraced houses and a large public house, rather than in the open countryside. The extension would be located to the front of the building on the former garage's driveway, now a private garden area, but nevertheless a considerable amount of space would be retained at the front. Accordingly, any impact on the openness of the Green Belt would be negligible.

Other considerations

13. The proposed extension would match the existing building in terms of its form, height and external finish. Moreover, although the bulk of the building would be increased as a result of the development, this would not be unduly apparent from the street scene directly in front of the building because of its orientation and position. Whilst the rear of the dwelling can be glimpsed from the public highway across playing fields, the proposed extension would not be visible. Moreover, I noted that the area includes a mix of dwelling types and sizes including larger detached dwellings. In this context the resultant enlarged dwelling would not appear out of place. Accordingly, there would be no harm to the character and appearance of the area. In addition, because of its single storey nature and the position of windows of the neighbouring house there would be no harm to the living conditions of the occupiers of that property. These are important factors but are nevertheless neutral in the planning balance.
14. The appellant considers that the existing building does not meet the National Space Standards in terms of its floorspace. As set out above, the dwelling was originally a domestic garage and whilst the existing extensions are disproportionately large in terms of a percentage increase, they are in themselves very modest in size. I saw at my site visit that the overall size of the unit is still limited even though it has been extended. Some of the rooms, particularly the bathroom and to a lesser extent one of the bedrooms, have very little circulation space within them as a result of their size and configuration. This makes those rooms cramped and oppressive spaces. The bathroom in particular, it seemed to me, would be barely functional for a

family's use. The proposal would increase the overall floorspace and would provide a larger bathroom and slightly larger bedroom plus a larger kitchen/dining/living area. Accordingly, the proposal would improve the standard of accommodation that the dwelling would provide in the long term and would improve the living conditions of the current occupiers.

Very Special Circumstances and Conclusion

15. The proposed development, in addition to those extensions already built, would represent a disproportionate addition to the existing building. Accordingly, by definition, it constitutes inappropriate development within the Green Belt. In addition, the proposal would have an, albeit negligible, impact on the openness of the Green Belt. The Framework is clear that substantial weight is given to any harm to the Green Belt.
16. On the other side of the balance, the proposal would provide a very significant benefit in terms of the standard of accommodation the dwelling would provide in the long term. It would also improve the living conditions of the current occupiers of the dwelling. These matters cumulatively carry very substantial weight. Accordingly, this outweighs the harm to the Green Belt I have identified.
17. On that basis the very special circumstances needed to justify the proposal have been demonstrated. As such the proposal accords with the requirements of the Framework and to Policy 22 - 'Protecting Open Land' of Oldham Council's Joint Core Strategy and Development Management Policies Development Plan Document 2011, which seeks to preserve the Green Belt in accordance with national policy.
18. For these reasons and taking all other matters into account, the appeal is allowed subject to the conditions set out above, which are necessary to provide certainty and in the interests of proper planning, and to ensure that there is no harm to the appearance of the building or surrounding area.

S Ashworth

INSPECTOR