



Appeal Decision

Site visit made on 25 October 2022

by Ms Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2022

Appeal Ref: APP/W4325/D/22/3300828

22 Seaview Avenue, Eastham, WIRRAL, CH62 0BD

- 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 and Mrs Girven against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/22/00152, dated 25 January 2022, was refused by notice dated 18 March 2022.
 - The development proposed is the erection of a first-floor rear extension (revised scheme of refused application APP/21/00431).
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt so the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework)
 - the effect upon the openness of the Green Belt; and
 - if the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether or not it would be inappropriate

3. The Government attaches great importance to Green Belts. 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.
4. Paragraph 149 of the National Planning Policy Framework indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to certain exceptions, including that listed under exception (d) "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 Annex 2 of the Framework as a building as it

- existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
5. The Council says that, in combination with previous extensions, the proposed extension would represent some 70% increase over the floorspace of the dwelling as existed on 1 July 1948.
 6. There is nothing in the Framework to define “disproportionate additions”. However, Policy GB5 of the Wirral Unitary Development Plan, 2000 (the UDP) says “The extension of existing dwellings in the Green Belt will be permitted, provided that the floorspace of the resultant dwelling is no more than 50% larger than that of the habitable floorspace of the original dwelling”.
 7. I note the appellants’ comments that the existing garage extension is not habitable floorspace and therefore, they say it should not be included in the resultant increase in the size of the dwelling. However, Policy GB5 relates to the “habitable floorspace of the original dwelling”. There is nothing in the policy to say that only the habitable areas of the resultant floorspace should be taken into account when calculating the increase. The garage is attached to the house and is not part of the original dwelling. As an attached structure which is part and parcel of the residential use, it is now part of the resultant dwelling. Therefore, whether or not it is habitable, it should be taken into account when assessing the cumulative increase in floorspace.
 8. I understand that the house is located in an infill village as defined by UDP Policy GB7. However, this policy allows for the development of a small gap and is not directly relevant to house extensions. The appeal proposal does not involve an infill site. In addition, it is open to the planning authority to control the scale of development on an infill plot in a similar way to how they would control the scale of development on any other site, including within the Green Belt.
 9. As the extension would substantially exceed the amount permitted by Policy GB5, I consider that the extension would result in a disproportionate addition over and above the size of the original dwelling. Therefore, the proposal would constitute inappropriate development which is, by definition, harmful to the Green Belt.

Openness

10. The house is located in a residential street of fairly closely spaced dwellings and beyond the fields to the rear is large scale industrial development. However, the gaps between the houses allow views of the dock and River Mersey. The extension would project towards the side boundary and would reduce the gap above the garage between the dwellings. This would result in a small amount of harm to the openness of the Green Belt.

Other Considerations

11. There have been no objections from neighbours, however a lack of objection does not equate to a lack of harm. The proposal would not harm the living conditions of neighbours but a lack of harm in this respect is a neutral factor in the balance.
12. The appellants say that other houses in the street have been granted planning permission for extensions in excess of a 50% increase over the original

floorspace. However, I have no substantive details of these other schemes and I am not bound by other Council decisions. Furthermore, whilst I note the appellant's reference to plans for the major development of the land behind their house, I have no substantive information about the status of these plans and therefore I afford this matter very little weight.

13. The extension would be an affordable way to provide additional family accommodation without the appellants having to relocate to another area. However, planning permission runs with the land rather than with the applicant or appellant. Therefore, if the appeal were to be allowed, the resultant development would be a permanent feature within the Green Belt. I therefore give the personal circumstances of the appellants limited weight.

The Green Belt Balance

14. The proposal would constitute inappropriate development in the Green Belt, which is, by definition, harmful to the green belt and should not be approved except in very special circumstances. It would also result in some harm to the openness of the Green Belt. Paragraph 148 of the Framework requires me to give substantial weight to any harm to the Green Belt.
15. Paragraph 148 of the Framework says 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. The other considerations do not clearly outweigh the totality of the substantial harm that arises as a result of the development's inappropriateness and its impact upon the openness of the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist.

Conclusion

17. For the reasons set out above I dismiss the appeal.

Ms Siobhan Watson

INSPECTOR