



Appeal Decision

Site visit made on 20 September 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/P2365/D/22/3303259

The Carriageway, Butchers Lane, Aughton, Ormskirk, Lancashire, L39 6SY

- 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 Miss Amy Potter against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0500/FUL, dated 28 April 2022, was refused by notice dated 24 June 2022.
 - The development proposed is upper and 2 storey extension of existing house, including demolition of garage and associated remodelling works.
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Decision

1. The appeal is allowed and planning permission is granted for proposed upper and 2 storey extension of existing house, including demolition of garage and associated remodelling works at The Carriageway, Butchers Lane, Aughton, Ormskirk, Lancashire, L39 6SY in accordance with the terms of the application, Ref 2022/0500/FUL, dated 28 April 2022, 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: 138 PLN L 03 Location plan; 138 PLN 02 B Proposed site plan; 138 PLN P 02 B Proposed ground floor plan; 138 PLN P 03B Proposed first floor plan; 138 PLN P 04 B Proposed roof plan; 138 PLN E 05 Proposed elevations 1 of 2; 138 PLN E 06 Proposed elevations 2 of 2.
 - 3) No development at first floor level shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) The effect of the proposal on the character and appearance of the appeal property; and

- iv) 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 the very special circumstances necessary to justify it.

Reasons

Whether or not inappropriate development

3. The Carriageway is a detached single storey property with an attached garage. It is set back from the road in a large plot, with 2 storey detached dwellings to either side. It is in the Green Belt.
4. Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document Adopted October 2013 (the LP) sets out that development proposals in the Green Belt will be assessed against relevant national and local policies.
5. 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 special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to exceptions, including paragraph 149 c) 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. Policy GB4 of the West Lancashire Borough Council Supplementary Planning Document Development in the Green Belt Adopted October 2015 (the GB SPD) sets out criteria for extensions to buildings in the Green Belt. These include that the extension should not result in an increase of more than 40% of the volume of the original building; and that it should be in keeping with the original form and appearance of the building, not materially harm the openness of the Green Belt through excessive scale or bulk, and it should be in keeping with the character of the area and appropriate in terms of design and materials.
7. However, Framework paragraph 149 c) does not explicitly require an assessment of impacts on openness, and neither openness nor visual amenity are directly relevant to the question of inappropriateness.
8. The proposal would be a roughly 37% increase in the volume of the building. While this would meet the volume increase threshold set out in GB SPD Policy GB4, the SPD is caveated that the 40% figure is only a guide. In this regard, Framework paragraph 149 c) does not specify what should be considered disproportionate and its reference to size relates not only to volume but also to other measures such as dimensions and bulk.
9. While the proposal would be a larger building, it would be more compact with a shorter frontage following demolition of the garage. The addition of a first floor would increase the height of the building by only around 2.35m. This would be less than half the height of the existing building and it would not result in an overly tall building. The additions, including at first floor level, would not be out of scale or excessively bulky in relation to the existing building.
10. Therefore, I conclude that the proposal would not be disproportionate additions over and above the size of the original building. Consequently, it would meet

the exception in Framework paragraph 149 c) and the proposal would not conflict with the policies in the Framework that protect the Green Belt.

Openness of the Green Belt

11. The Framework identifies that the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development and it has both spatial and visual aspects.
12. The Council considers that, while within the 40% volume increase threshold, the scale and bulk of the proposal would harm the openness of the Green Belt. However, case law has established that where a development is found to be not inappropriate for the purposes of the Framework, it should not be regarded as harmful to the openness of the Green Belt. Consequently, as I have found that the proposal would not be inappropriate development, I conclude that it would not harm the openness of the Green Belt.

Character and appearance

13. The Carriageway is a single storey dwelling finished in brick with a pitched tile roof with gable ends. Its single storey pitched roof garage extends out beyond the front and side elevations of the dwelling. The dwelling is set back from the road in a long plot that extends to the well vegetated Cunsough Brook to the rear. It forms part of a ribbon of residential development comprising detached dwellings of varied sizes, designs, external materials and ages.
14. The proposal would be a 2 storey dwelling with brick ground floor elevations, rendering to upper walls and it would have single storey and 2 storey roof slopes. The increase in height would be modest and the proposal would not be significantly taller than the appeal property. The rear extensions and alterations would be screened by buildings and mature landscape planting.
15. To the front, the first floor would include a central section with a 2 storey feature window. This would be flanked by smaller subservient elements set further back into the single storey roof slope and with lower ridge lines. The proposal would have the appearance of a single storey property with roof extensions. The different external materials at ground and first floors would reinforce this impression. The varied depths, heights and roofscape of the proposal would create visual interest and break up the massing. The use of render would be in keeping with neighbouring properties.
16. The proposal would be more prominent than the existing dwelling, but largely because the single storey property is unremarkable and it has little architectural merit. Taking into account the mixed character and appearance of the surrounding built environment, the proposal would not be incongruous and it would not disrupt a harmonious or consistent street scene. Having regard to its height, roofline, scale and design, I find that the proposal would not be discordant, dominant or visually obtrusive. It would not be out of keeping with neighbouring dwellings and it would not detract from local distinctiveness or sense of place.
17. Therefore, I conclude that the proposal would not harm the character and appearance of the appeal property or the area. It would not conflict with LP Policy GN3 which requires, among other things, that extensions relate to the existing building in terms of design and materials and should complement or enhance local distinctiveness. It would not conflict with Policy DP5 of the

Design Guide Supplementary Planning Document Adopted January 2008 which requires the scale, mass and built form to respond to the characteristics of the site and its surroundings and to not disrupt the street scene.

Overall findings

18. The proposal would be not inappropriate development in the Green Belt and it would not harm the openness of the Green Belt. As it would not conflict with the policies in the Framework that protect the Green Belt, it has not been necessary for me to take into account other considerations.
19. The proposal would be less than a 40% volume increase and it would not harm the openness of the Green Belt or the character and appearance of the building or the area. Therefore, there would be no conflict with GB SPD Policy GB4. Consequently, as it would not conflict with the national or local policy that protects the Green Belt, the proposal would not conflict with LP Policy GN1.

Conditions

20. The Council has not suggested planning conditions in the event the appeal was allowed. Nevertheless, and taking into account the relevant requirements of the Framework, I consider that planning conditions would be necessary. In addition to the standard condition limiting the lifespan of the planning permission, I have specified the approved plans in the interests of certainty. In the absence of submitted details, a condition requiring details of external materials is also necessary in the interests of certainty and visual amenity.

Conclusion

21. For the reasons set out above, I conclude that the proposal would not conflict with the development plan.
22. Therefore, the appeal should be allowed subject to conditions.

Sarah Manchester

INSPECTOR