



Appeal Decision

Site visit made on 6 December 2022

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/P2365/D/22/3304592

31 Farley Lane, Roby Mill, Up Holland, Skelmersdale, Lancashire, WN8 0QG

- 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 Mrs Sandra Lawrenson against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0370/FUL, dated 29 March 2022, was refused by notice dated 10 June 2022.
 - The development proposed is demolition of existing conservatory and erection of a two storey front porch/bathroom and part single storey part two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory and erection of a two storey front porch/bathroom and part single storey part two storey rear extension at 31 Farley Lane, Up Holland, Skelmersdale, WN8 0QG in accordance with the terms of the application, Ref 2022/0370/FUL, dated 29 March 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: Site Location Plan; Ref 7767/A4 – Block Plan; Ref GSP 01/A1 – Proposed layout and elevation plans.
 - 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 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; and
 - iii) 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 appeal property is an end of terrace 2 storey dwelling with a rear conservatory. It is set back from the road in a long plot. 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 proposals in the Green Belt will be assessed against national policy and relevant Local Plan 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 SPD) sets out criteria for extensions to buildings in the Green Belt. These include that extensions should not result in an increase of more than 40% of the volume of the original building; and they 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 be in keeping with the character of the area and appropriate in terms of design and materials. However, for the purposes of Framework paragraph 149 c), openness and visual amenity are not directly relevant to the question of inappropriateness.
7. The proposal would be an increase of 40% of the volume of the original building. While this would be in accordance with the SPD, Framework paragraph 149 c) refers only to size and this relates to other measures including dimensions and bulk. To the rear, the part single part 2 storey extension would extend from the main rear elevation by less than 3m and its ridge would be set below the main ridge line. The front extension would be a shallow feature, roughly 1.5m deep, around 3.3m wide, and its ridge would be similarly set below the main ridge. Both the rear and front extensions would be individually relatively modest, proportionate, subservient and in keeping with the host in terms of scale. While the proposal would result in a longer side elevation and a larger dwelling than currently exists, it would not be excessive in terms of its scale nor unduly bulky, taking into account its dimensions.
8. Therefore, I conclude that the proposal would not result in disproportionate additions over and above the size of the original building. Consequently, it would meet the exception in Framework paragraph 149 c). As it would be not inappropriate development in the Green Belt, it would not conflict with the policies in the Framework that protect the Green Belt.

Openness of the Green Belt

9. The Framework identifies the essential characteristics of Green Belts as their openness and their permanence. Openness is the absence of development and it has both spatial and visual aspects.

10. I note the Council's concerns that, although the proposal would be within the 40% volume increase threshold, it would nevertheless harm the openness of the Green Belt by virtue of its scale, bulk and projection. 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. Therefore, as I find that the proposal would be not inappropriate development, it would not harm the openness of the Green Belt.

Overall Findings

11. The proposal would not be 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 to take into account other considerations.
12. However, as noted above, SPD Policy GB4 includes several criteria one of which is that the proposal should be in keeping with the character and appearance of the dwelling and the area.
13. In this case, the Council considers that the lower ridge heights and hipped roofs would reduce the visible bulk at height; the rear extension would be appropriately proportioned and it would have a minimal impact on the street scene; although 2 storey front extensions are not a feature in this area, the lower ridge, hipped roof and minimal projection would be acceptable in design terms. On this basis, the proposal would not harm the character and appearance of the building or the area. I see no reason to disagree. Consequently, and as the proposal would meet the SPD requirements in terms of its volume increase and it would not materially harm openness, there would be no conflict with SPD Policy GB4.
14. Therefore, I conclude that the proposal would not conflict with the national or local policies that protect the Green Belt and it would not conflict with LP Policy GN1.

Conditions

15. The Council has suggested planning conditions in the event the appeal was allowed. I have considered these against the relevant requirements of the Framework. In addition to the standard condition limiting the lifespan of the planning permission, I have specified the approved plans in the interests of certainty. A condition specifying the external materials is also necessary in the interests of and visual amenity.

Conclusion

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

Sarah Manchester

INSPECTOR