



Appeal Decision

Site visit made on 13 December 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 28th February 2023

Appeal Ref: APP/P2365/D/22/3306374

520 Liverpool Road, Rufford, Ormskirk, Lancashire, L40 1SQ

- 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 Robert and Jennifer Evans against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0710/FUL, dated 23 June 2022, was refused by notice dated 30 August 2022.
 - The development proposed is replacement and repair of existing roof with altered profile (to rear only), extended dormer to rear and 3no. pitched roof dormers to front. Removal of 1st floor windows to side elevations, removal of rear conservatory, reduction in windows to side elevations at ground floor. Enclose space between current extensions to create a plant room for a sustainable heating system.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr and Mrs Evans against West Lancashire Borough Council. That application is the subject of a separate Decision.

Preliminary Matters

3. Notwithstanding the description of the development, the plans that were considered by the Council include only 2no. pitched roof dormers to front. Accordingly, I have determined the appeal on the basis of the plans that were determined and that illustrate 2 front dormers.

Main Issues

4. 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 protected species; 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

5. The appeal property is a detached single storey style dwelling that has been previously extended and altered. It forms part of a short ribbon of residential development along Liverpool Road. It is in the Green Belt.
6. 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.
7. 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 listed 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.
8. Policy GB4 of the West Lancashire Borough Council Supplementary Planning Document Development in the Green Belt (the GB SPD) sets out criteria for extensions to buildings in the Green Belt, including in terms of volume increase, design and appearance and impact on the openness of the Green Belt. 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 in this case.
9. For the purposes of the assessment, the original building was a modest single storey dwelling. Subsequent extensions include a full width single storey rear extension, a 2 storey side extension, a porch (referred to as a boot room) to the side elevation and a first floor rear extension.
10. The proposal would result in a modest 3% increase in the volume of the extended dwelling, which would be proportionately larger in the context of the original building. The evidence indicates that the existing extensions, including the conservatory, result in a roughly 88% increase in the volume of the original building. Consequently, the proposal would result in a significant cumulative increase in the volume of the original building that would be far in excess of the 40% volume increase threshold in GB SPD Policy GB4.
11. To the rear of the building, the eaves of the 2 storey extension would be raised resulting in a volume increase of about 10 cubic metres (cbm). The increased height and scale of its elevations would be a marked increase in the scale and bulk of what is already a substantial addition to the original building.
12. The dormer in the north facing roof of the rear extension would be longer than the existing but, taking into account the size of the roof, it would not be overly bulky or out of scale. The dormer in the rear roof of the 2 storey side extension would be a small feature that would not add significant bulk to the roof.
13. The 2 front dormer extensions would have a combined volume of 6.5cbm. This would be a modest increase in the context of the original building. The dormers would be set down from the ridge and set in from the roof edges. They would be subservient in scale and they would not dominate the original roof.

14. The gap between the 2 storey side extension and the boot room would be infilled and the 2 storey extension roof slope would continue over it to finish at the height of the raised rear extension eaves. The infill development would have a volume of about 15cbm, but it would sit comfortably beneath the extended roof slope and between existing extensions. The roof of the boot room would be reduced in height and altered with a resultant reduction in volume and size. The rear conservatory would be removed.
15. However, while each element would be relatively modest, taking into account the existing extensions there would be a cumulative over 90% increase in the volume of the original building. The existing extensions are bulky additions that are disproportionate to the original building including in terms of its footprint, size, dimensions and volume. The proposed further increase to the size of the dwelling, including its extensions, would constitute disproportionate additions over and above the size of the original building.
16. Therefore, I conclude that the proposal would not meet the exception in Paragraph 149 c) of the Framework. It would be inappropriate development in the Green Belt. It would conflict with GB SPD Policy GB4, LP Policy GN1 and the policies in the Framework that protect the Green Belt.

Openness of the Green Belt

17. Paragraph 133 of the Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
18. The proposal would result in a negligible increase in the footprint of the dwelling. Even taking into account the removal of the conservatory and the reduction of the boot room, there would be a small spatial loss of openness. Visual impacts on openness would be limited due to the unobtrusive siting of most of the proposal to the rear of the dwelling and by the limited scale of the separate elements, including the increased height of the rear extension, the infill development and the rear dormers. The front dormers would have the greatest visual impact, but they would be sympathetic additions to the host dwelling. They would not increase the height of the roof and they would not be overly bulky. Taking into account the modest size of the individual elements of the proposal and their visual separation and screening, the proposal would not result in a harmful loss of openness of the Green Belt.

Biodiversity

19. The area provides habitat for foraging and commuting bats (protected species), which increases the likelihood of bats being present in suitable buildings. Therefore, if the roof of No 520 offers bat roosting opportunities, the proposal could result in adverse impacts, including offences, on bats and their habitat.
20. The Council did not raise concerns about bats until late in the processing of the application. However, while the time of year may have precluded bat emergence surveys, the Government's standing advice for protected species sets out that preliminary bat roost assessments can be carried out at any time of year. As no such assessment has been provided with the appeal, it has not been demonstrated that impacts on bats would be avoided or mitigated. There is little robust justification as to why planning permission should be granted in

the absence of evidence that demonstrates that the relevant requirements of legislation, planning policy and guidance would be met.

21. The appellants point out that the views of the Council's ecological consultee are not known because it has not commented on the proposal. Irrespective, there is little evidence that the Merseyside and West Lancashire Bat Group, who did comment on the scheme, is not suitably qualified and experienced to advise the Council in relation to potential impacts on bats. I am therefore satisfied that the concerns are valid.
22. The Government's standing advice sets out that the full impact of the proposal on protected species needs to be considered before the grant of planning permission and planning conditions should not normally be used to ask for surveys. Accordingly, this is not a matter that could be adequately addressed by the imposition of conditions.
23. Therefore, I conclude that there is insufficient information to assess the effect of the proposal on bats. It would conflict with LP Policy EN2 in relation to demonstrating that there would be no harm to priority species and their habitats. It would also conflict with the biodiversity protection aims of the Framework and the Planning Practice Guidance.

Other Considerations

24. The appeal site is set back on the opposite side of the A59 from the Rufford Park Conservation Area (CA), which covers farmland and woodland, historic halls and parkland and Rufford. No 520 is part of a ribbon of relatively modern residential development that is not in the CA and the appeal site is screened by mature vegetation. Subject to matching materials, the design and appearance of the proposal would be acceptable and it would not harm visual amenity, including the CA and its setting. However, as the proposal would not be outstanding or innovative design, this is a neutral factor.
25. The proposed dormers would allow the first floor habitable room windows to either side to be removed. I note the suggestion that this would eliminate overlooking of the neighbours. However, Nos 520 and 522 appear to be relatively well separated from one another and screened by intervening vegetation and there is little evidence that the first floor windows overlook No 522. While No 520 is closer to No 518, there is little substantive evidence that the first floor window results in a loss of privacy to the neighbouring occupiers. This carries little weight in favour of the proposal.
26. The infilled gap between the side extensions would accommodate a sustainable heating system. Little detail has been provided about the existing or the proposed heating systems or to demonstrate that a sustainable heating system could not be provided by other means. While the heating system may contribute to climate change mitigation and adaption, and in the absence of detail, this matter carries little weight in favour of the scheme as a whole.
27. Remedial works are required to address structural instability of the roof. While the separate report referred to in the Design and Access statement does not appear to have been provided with the appeal, I have no reason to doubt that the works are not necessary. However, there is little evidence that the roof could not be repaired by alternative methods or that the entirety of the

proposal is required to stabilise the roof. Therefore, this matter carries limited weight in favour of the proposal as a whole.

28. Pre-application advice was sought in advance of an earlier refused application (Ref 2022/0205/FUL) for an apparently similar scheme. The proposal has been amended to address the Council's concerns in relation to design and its scale has been reduced. However, neither the pre-application advice nor the amendments to the scheme, which have not been sufficient to overcome the concerns in relation to the Green Belt, weigh in favour of the proposal.
29. It is suggested that the front dormers would not add additional volume because the removal of the conservatory would offset their volume. However, it is not clear why the conservatory should be considered only in the context of the front dormers and not in relation to the proposal of a whole. There would be an increase in the volume and the size of the original building. The removal of the conservatory does not weigh in favour of the front dormers or the proposal.

Green Belt Balance

30. I have concluded that the proposal would be inappropriate development in the Green Belt. While it would not result in a material loss of openness of the Green Belt, nevertheless the Framework advises that inappropriate development is harmful to the Green Belt and substantial weight should be given to any Green Belt harm. The potential harm to a European protected species also weighs against the proposal to a significant degree.
31. The absence of harm to the character and appearance of the dwelling and the area, including the CA, is a neutral factor. The pre-application advice carries neutral weight. The removal of first floor side facing windows, the sustainable heating system and the repairs to the roof collectively carry only limited weight in favour of the proposal.
32. As there are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harms, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

33. For the reasons set out above, I conclude that the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR