



Appeal Decision

Site visit made on 21 February 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/P2365/D/22/3309738

201 Moss Lane, Hesketh Bank, Lancashire PR4 6AE

- 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 D Birkbeck against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0562/FUL, dated 12 May 2022, was refused by notice dated 4 August 2022.
 - The development proposed is demolition of existing conservatory, removal of dormers and enlargement of dwellinghouse through ground and first floor extensions, construction of an additional storey, internal alterations and external alterations to fenestration and material palette.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory, removal of dormers and enlargement of dwellinghouse through ground and first floor extensions, construction of an additional storey, internal alterations and external alterations to fenestration and material palette at 201 Moss Lane, Hesketh Bank, Lancashire PR4 6AE in accordance with the terms of the application, Ref 2022/0562/FUL, dated 12 May 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: X736.158.PL01; X736.158.PL01; X736.PL06; 736.158.PL07; and 736.158.PL08.
 - 3) Prior to any above ground works taking place, full details of all external materials shall be submitted to, and approved in writing, by the local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The Council has suggested, within the officer report, that the extent of the proposals is such that they would be tantamount to the erection of a new dwelling. However, no substantive evidence has been submitted to support such a claim. Furthermore, I note that the Council assessed the proposals as extensions and alterations and that the description of the development in the decision notice refers to enlargement of the dwellinghouse. I have therefore determined the appeal on that basis.

Main Issues

3. The main issues are:

- 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;
- The effect on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the host property and the area; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other consideration so as to amount to the very special circumstances to justify the proposal.

Reasons

Inappropriate development

4. The appeal property lies in the Green Belt. Policy GN1 of the West Lancashire Local Plan Development Plan Document (LP) states that development proposals within the Green Belt will be assessed against national and any relevant Local Plan policies. The Framework states that the construction of new buildings in the Green Belt are inappropriate unless they are one of the exceptions listed in paragraph 149. Such exceptions include 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.
5. Neither the Framework nor LP Policy GN1 define what is meant by a disproportionate addition. However, the Council's Supplementary Planning Document: Development in the Green Belt (GBSPD) provides guidance. GBSPD Policy GB4 explains that proposals for an extension to an existing building within the Green Belt should satisfy 3 criteria. Criterion (b) explains that the total volume of the proposal, together with any previous extensions, alterations and non-original outbuildings, should not result in an increase of more than 40% above the volume of the original building.
6. The definition of an 'original building' is set out in Annex 2 of the Framework. In this case, based on the information provided and what I observed on site, the original building has already been extended through the addition of a single storey rear extension and a conservatory.
7. Whilst there does not appear to be agreement between the Council and appellant as to the proposed increase in volume, there is no dispute that the proposals would amount to a disproportionate addition over and above the size of the original building. Based on the information before me, I have no reason to disagree.
8. Therefore, the proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would conflict with LP Policy GN1 and the Framework.

Openness

9. The Framework sets out that 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.
10. The proposed extensions would increase the scale and massing of the dwelling. This would result in a material loss of openness of the Green Belt as the proposals would introduce built form where there is currently none.
11. I conclude that there would be a loss of openness in the Green Belt which would conflict with the Framework at paragraph 137 and would not accord with the guidance set out in the GBSPD.

Character and appearance

12. The appeal property is a detached red brick dormer bungalow. Moss Lane comprises a range of residential buildings of various ages, styles, sizes and siting. Whilst red brick is the predominant facing material there are examples of render and stone cladding in the locality. Consequently, the area has a mixed character and appearance.
13. The proposed development would involve ground and first floor extensions and the creation of an additional storey. The proposals would not appear subservient to the original dwelling and would have a contemporary appearance thereby significantly alter the character and appearance of the host property. However, as the existing building has no particular architectural merit the proposed alterations to its appearance would not result in significant harm.
14. The proposals would result in a building that is more prominent in the street scene than the existing dwelling due to its scale and design compared to the existing, unremarkable, property. Nonetheless, considering the mixed character and appearance of the surrounding built environment, the contrasting appearance of the proposals would not be incongruous and would not disrupt a harmonious or coherent street scene. It would not therefore be detrimental to the character and appearance of the area.
15. Accordingly, the proposal would not be significantly harmful to the character and appearance of the host property or the area. It would therefore accord with LP Policy GN3 in relation to high quality design and visual amenity. In addition, it would accord with the guidance set out in Policy DP5 of the Design Guide Supplementary Planning Document, which requires that development is of an overall scale, mass and built form which does not disrupt the street scene.

Other Considerations

16. My attention has been drawn to a certificate of lawful development (CLD) for a proposed single storey side extension¹ and to a decision that has confirmed that prior approval is not required for the enlargement of the dwellinghouse by construction of an additional storey². It has therefore been accepted that such extensions could be built without planning permission. As the appellant has made the effort to obtain such decisions it is evident that the appellant wishes to extend and alter the existing dwelling. If I was minded to dismiss this appeal, I am satisfied that there is a reasonable likelihood that such

¹ Decision reference 2021/1197/LDP

² Decision reference 2021/1125/PNA

developments would be implemented and can be considered to be a fallback position.

17. The appellant has submitted a Context Appraisals Plan (the Plan). This provides a visual representation comparing the fallback position to the appeal proposals. I note that the Plan also includes a second side extension which the appellant states could also be built under permitted development rights. Whilst a CLD has not been issued in respect of this extension, I have no reason to consider that it would need planning permission or that there is no realistic prospect of the extension being constructed if I were to dismiss this appeal. The additional side extension therefore contributes to the fallback position.
18. Although in a different configuration, the Plan highlights that the appeal proposals add a similar volume to the original dwelling as the fallback position. It also shows that the ridge height of the appeal proposals would be lower than the fallback position, and that a proportion of the additional volume would be to the rear, unlike the fallback position. Taking such factors into consideration, I find that the fallback position would have a marginally greater impact on the spatial and visual dimensions of the openness of the Green Belt. I therefore attribute significant weight to the fallback position.
19. Whilst I note that the Council consider that the fallback position is of a more sympathetic design than the appeal proposal, I have found, for the reasons set out above, that the proposals do not harm the character and appearance of the existing dwelling.

Green Belt Balance

20. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
21. The appeal scheme has harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt. However, I have found that the effect of the proposals on the character and appearance of the existing dwelling and the area does not weigh against it. In addition, I have found that the fallback position weighs very substantially in its favour. Overall, I find that the fallback position clearly outweighs all other harm and any conflict with the Framework and LP Policy GN1.
22. I therefore conclude that there are very special circumstances in this case that justify the granting of planning permission.

Conditions

23. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. In addition to a time limit condition, I have considered it necessary to attach a condition specifying the approved plans, in the interests of certainty.
24. In the interests of the character and appearance of the area a condition is necessary regarding materials. The condition, as worded, requires prior

approval of the external facing materials in recognition that they do not match those of the existing dwelling.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR