



Appeal Decision

Site visit made on 12 June 2023 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/W4325/D/22/3313361

The Poplars, The Moorings, Heswall, Wirral CH60 9JT

- 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 Lukeman against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/22/00822, dated 11 May 2022, was refused by notice dated 28 October 2022.
 - The development proposed is described as a 'single storey side extension (storage) and single storage front extension (revised scheme)'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The extensions that are the subject of this appeal have already been constructed. I have proceeded on that basis.

Main Issues

4. The main issues are a) whether the proposal is inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; and c) if it 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 for the Recommendation

Inappropriate Development

5. The National Planning Policy Framework 2021 (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'
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6. Policy GB2 of the Wirral Unitary Development Plan (February 2000) (UDP) is consistent with the Framework in that it seeks to protect the Green Belt and that inappropriate development should only be approved in very special circumstances. Policy GB2 allows for the limited extension of existing dwellings, and UDP Policy GB5 sets out that the increase in habitable floorspace should not be more than 50% more than the floorspace of the original dwelling.
7. The appeal property is a detached bungalow set in a modest plot. It has been previously extended with a hip to gable, front dormer and a side extension¹, which has increased the floorspace by around 50%. It is also suggested that a rear conservatory was added under permitted development. These previous extensions together with the side and front extensions that are the subject of this appeal have increased the floorspace of the original property by around 90%, which significantly exceeds the threshold set out in Policy GB5. The appellant has not challenged this figure.
8. Size can be more than a function of floorspace and can include bulk, mass, and height. In this case, the scale and mass of the building had already been considerably increased through the previous additions. The side and front extensions have further increased the massing of the dwelling and has added to its visual bulk. Consequently, the side and front extensions, together with the previous extensions, cumulatively amount to a disproportionate addition over and above the size of the original building. They are thus inappropriate development which is, by definition, harmful to the Green Belt.

Openness

9. Openness is an essential characteristic of the Green Belt. Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.²
10. The side extension, which also joins the dwelling to an outbuilding, and the front extension have increased the visual and spatial bulk and massing of the dwelling and therefore has, unavoidably, resulted in a reduction in the openness of the Green Belt. Given the, in context, modest size of the extensions and the built up residential nature of the surrounding area, that harm is limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open.

Other Considerations

11. The appellants state that, without the side and front extensions, they could still construct separate side and rear extensions and a front porch extension under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, no detailed drawings of any such extensions have been provided, nor has the appellant clearly stated that these extensions would be built if this appeal is dismissed. Nevertheless, the permitted development extensions, as shown in the appellant's statement, would be smaller than the side and front extensions of this appeal and consequently they would have less of a visual and spatial impact on the Green Belt. The permitted development extensions would

¹ Planning application ref. APP/11/00840

² Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

- be less harmful to the Green Belt than the side and front extensions, and therefore this potential fallback position does not justify the appeal proposal.
12. While the overall design and materials of the extensions are sympathetic to the existing dwelling and street scene, there is no indication that this is not also true of the dwelling before the extensions were constructed. Therefore, the impact on the character and appearance of the dwelling and the street scene is neutral.
13. Should the appeal be allowed, the appellant has suggested that a condition could be used to remove the permitted development rights for any future outbuildings. However, any such condition would still allow for the construction under permitted development of extensions to the dwelling, such as a rear extension, which would further increase the floorspace of the dwelling and cause further harm to the Green Belt. Moreover, it would not mitigate the harm caused by the extensions to the Green Belt as identified above.
14. I understand the appellants' desire to retain as much of the extensions as possible. However, the side and front extensions are attached to each other and, as they are not clearly separable, a split decision cannot be issued in this instance.

Conclusion and Recommendation

15. The side and front extensions cause harm to the Green Belt by way of inappropriateness and through reducing openness, to which substantial weight should be afforded. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the side and front extensions do not exist.
16. Accordingly, the side and front extensions conflict with UDP Policies GB2 and GB5, and with the Framework, the aims of which are set out above. There are no material considerations, including the approach of the Framework, which indicate that a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

John Morrison

INSPECTOR