



Appeal Decision

Site visit made on 19 July 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/H4315/D/23/3316247

2 Springvale, Reeds Brow, Rainford, St. Helens WA11 8PB

- 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 Ms Kate Mackay against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref P/2022/0697/HHFP, dated 29 September 2022, was refused by notice dated 24 November 2022.
 - The development proposed is demolition of existing detached garage and the erection of a part single, part two storey, part first floor side extension and single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following clarification, it is clear that the reference number of the planning application as detailed on the appeal form refers to a previous one in error, rather than the one that is the subject of the appeal before me. I am satisfied that no persons have been prejudiced in this regard, and that the reference number in the banner heading above is the correct one.
3. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed, but a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. I have therefore used the one given on the planning application form.

Background and Main Issues

4. The appeal property is a semi-detached two-storey dwelling, with a detached garage facing the road. It is located within a rural area within designated Green Belt, and forms an extensive plot, which falls away towards woodland at the rear.
5. The Council's reason for refusal relates solely to the Green Belt. It is clear from the evidence before me that the Council was satisfied that the proposed development would not harm trees, subject to a condition to ensure that they were suitably protected during the construction of the proposed development. Therefore, having regard to all of the evidence before me, the main issues are:
 - whether the development 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 of the development on the openness of the Green Belt; and
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate. Limited exceptions include that regarding 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.
7. Policy LPD05 of the St. Helens Borough Local Plan Up To 2037 (2022) (LP) permits extensions to buildings in the Green Belt providing that they meet certain criteria, including criterion 1, which states that "the proposal must not have a materially greater impact on the openness or purposes of the Green Belt than the existing building. As a general guideline, proposals should not extend an original building¹ by more than 30% (by volume) either individually or cumulatively with other extension(s)."
8. The appellant acknowledges an increase of some 59% against the original building and does not contest the calculations made by the Council. Thus, there is no dispute that the proposal would significantly exceed the policy threshold of 30%.
9. The proposal would therefore be a disproportionate addition over and above the size of the original dwelling, and it would therefore be inappropriate development in the Green Belt, in conflict with Policy LPD05 of the LP, and the Framework.

Openness

10. Openness is an essential characteristic of the Green Belt. and has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even if development is not readily visible from the public realm.
11. The road includes a small number of adjacent properties to the appeal site and its semi-detached neighbour, with open fields on the opposite side of the road, and woodland to the rear. Immediate neighbours are few and include a further pair of semi-detached two storey properties, as well as detached forms and some bungalows.
12. Due to the scale of the proposal, there is clearly an adverse impact upon openness in spatial terms. This would be in the form of the side extensions to the property, together with the additional extension to the rear.

¹ 'Original building' is defined as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

13. Although the proposal incorporates elements of design to reduce its impact, such as the reduction of the side extension to a single storey at the front, this element would also project further forward than the existing additions by some 1.8m. The two-storey element of the proposal would present a bulkier appearance. The visual aspect of openness would thus be harmed by the proposal when viewed from the front.
14. The proposed single storey rear extension would not appear in public view, although it would be within private views from neighbouring properties. It would also be well screened by the nature of the surrounding vegetation and woodland. While I agree that the removal of the detached garage would reduce the impact of the proposal, both spatially and visually when viewed from the front, its single storey form, footprint and volume would not sufficiently offset the harm to openness that arises from the proposal as a whole.
15. I therefore conclude that the openness of the Green Belt would be significantly reduced in spatial terms, but to a limited extent in visual terms. The proposal would fail to preserve the openness of the Green Belt, and it conflicts with Policy LPD05 of the LP, and the fundamental aims of the Framework, to which I attach substantial weight.

Other considerations

16. The appellant states that the adjoining property at 1 Springvale has been extended beyond the policy threshold and has a wider footprint than the appeal property. Furthermore, as a result of the appeal scheme, the appeal property would still be narrower than its neighbour, and, in the appellant's view, less harmful to the openness of the Green Belt. However, there is little evidence before me as to circumstances that may have led to the construction of any such additions, and thus I cannot be certain that the adjoining property is directly comparable. Accordingly, this matter attracts very little weight.
17. The fact that the design of the proposal would result in a more symmetrical appearance to the appeal property and its neighbour, and thus improves the character and appearance of the street scene attracts limited weight.
18. The appellant's planning statement and appeal statement refer to a need for an assisted living addition. I have therefore had due regard to the Public Sector Equality Duty (PSED) within section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. The proposed wet room to the ground floor and other changes to internal layout could assist in this regard. However, I do not have sufficient or detailed evidence upon which to consider whether the needs of any person would fall within the auspices of the PSED. Therefore, I am unable to assess whether such a need would form a justification for the proposed development that would be otherwise denied or very difficult to access on account of any protected characteristic under the PSED. Consequently, I must afford this matter limited weight.

Green Belt Balance and Conclusion

19. The proposal would be inappropriate development in the Green Belt that would reduce openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, openness is an essential characteristic of the Green Belt, so a

reduction in openness would also be harmful, in this case to a significant degree in spatial terms and to a limited extent in visual terms. I am also required to give substantial weight to any harm to the Green Belt.

20. In this case, it is clear that the limited benefits arising from the proposal would not outweigh the substantial harm I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.

21. For the reasons above, I conclude that the appeal should be dismissed.

J Moore BA (Hons) BPL MRTPI

INSPECTOR