



Appeal Decision

Site visit made on 31 July 2023

by C Rafferty LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/D2320/D/23/3317609

39 Grape Lane, Lancashire, Croston PR26 9HB

- 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 V Harris and Ms S Berry against the decision of Chorley Council.
 - The application Ref 22/00987/FULHH, dated 14 September 2022, was refused by notice dated 9 December 2022.
 - The development proposed is a single storey side/ rear extension following demolition of existing conservatory.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site lies within the Green Belt and so the main issues are:
 - 1) Whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework);
 - 2) The effect of the proposal on the openness of the Green Belt; and
 - 3) If found to be inappropriate development, 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 necessary to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

3. The site is a detached two storey dwelling with rear conservatory on Grape Lane. It is located in the Croston Conservation Area (the CA), just south of the Grade II Listed Building at No. 35 Grape Lane (the LB). The proposal seeks to demolish the conservatory at the appeal property and erect a single storey side/ rear extension.
4. The Framework states inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. While construction of new buildings is inappropriate in the Green Belt, there are a limited number of exceptions, including at 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*". The 'original building' is defined in as that as existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

5. Policy HS5 of the Chorley Local Plan 2012 – 2026 Site Allocations and Development Management Policies Development Plan Document adopted 21 July 2015 (the Local Plan) states that extensions on Green Belt land should not result in a disproportionate increase in the volume of the original dwelling, with increases of up to 50% in volume not being deemed disproportionate. The concept of a 'disproportionate addition' for the purposes of paragraph 149(c) is not defined in the Framework, but the test set out in Policy HS5 appears reasonable and in keeping with the spirit of paragraph 149(c).
6. No substantive information on the 'original building' at the site has been provided. However, main parties agree that even with the removal of the conservatory, due to previous additions at the site the proposal would result in the volume of the original dwelling being increased by over 50%. As such, the main parties agree that the proposal would represent inappropriate development in line with Policy HS5. Based on my observations on site, I have no reason to disagree.
7. Accordingly, the proposal does not fall within the exception at paragraph 149(c) of the Framework. There is no suggestion it would meet any other exception in the Framework and it would therefore represent inappropriate development.

Impact on openness

8. The Framework states 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."* It has been established that openness has both a spatial and visual aspect.
9. From a visual perspective, due to the proposal being primarily situated to the rear of the dwelling, there would be minimal visibility of it from Grape Lane or the wider surrounds, resulting in limited public views of the additional built form. Furthermore, it would be experienced alongside and adjoining the other structures at the site, and would form part of the established ribbon of residential development along this section of Grape Lane.
10. From a spatial perspective, given the proposed removal of the conservatory and side porch, the overall increase in the amount of built form would be somewhat modest in its scale and footprint. Nevertheless, the proposal would inevitably lead to a reduction in the openness of the Green Belt through the introduction of additional built form at the site, including the development of parts of the site currently free from built form.
11. Paragraph 138 of the Framework states that Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment, a clear purpose of the land as per the Green Belt Assessment. Even acknowledging the residential nature of the site, due to the increase in built form the proposal would amount to an encroachment into the countryside, conflicting with the purposes of including the appeal site within the Green Belt.
12. Therefore, although limited in this instance, it remains that harm to the Green Belt would arise from the loss of openness resulting from the proposal.

Other matters

13. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

14. I am mindful that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA and that special regard shall be had to the desirability of preserving the LB or its setting or any features of special architectural or historic interest which it possesses. The immediate character of the CA is residential. There are traditional style properties, including the frontage of the site, along the street. However, more modern development is also present, with buildings that, although sympathetically designed, do not appear to have the historic links of the site. The LB is to the north of the site, the setting of which also comprises the mixed properties along Grape Lane in this immediate part of the CA. While functionally linked to the site in the past, the separation distance and intervening boundary treatments limit any current physical or visual connection between the sites and buildings.
15. The conservatory at site is of limited architectural merit, with its PVC contrasting with the traditional materials of the dwelling. Overall, the proposal would better assimilate with the character of the property. This visual improvement at the site would enhance the character and appearance of the CA and preserve the wider setting of the LB to a greater degree than the present situation. However, given the backyard position of the proposal; the mixed nature of the immediate surrounds; and the limited views of the proposal from within the wider CA, in addition to its distance from the LB and the limited views of the proposal alongside or within the context of the LB and its setting, any such preservation or enhancement when compared to the current situation at the site would not be significant. This would therefore attract only moderate weight in favour of the proposal.
16. Planning permission has been granted at the site for the demolition of the conservatory and erection of a rear extension. However, on the evidence before me this is of a smaller scale than the current development, such that its impact on openness is not comparable to the proposal that is the subject of this appeal. As such, I attach limited weight to the existence of this permission.
17. Permission was granted at the Robin Hood Public House for the conversion of the building and erection of four dwellings. While had an impact on Green Belt openness it was approved due to very special circumstances, including the potential for redevelopment with a 30% volume increase; the removal of incongruous later additions; and highway improvements. However, there is nothing substantive to suggest more than a theoretical possibility of the appeal property being replaced with a building 30% larger. While I note that the proposal would also remove a later addition at the site it remains that each scheme is decided on its own site-specific merits and reference to development elsewhere carries little weight.
18. The proposal would have an energy efficient design and allow for use of the outdoor space at the site to be maximised. While these benefits are acknowledged, due to the single dwelling nature of the site, they overall carry limited weight.
19. The appellant has argued that the proposal would not conflict with any of the purposes of including land in the Green Belt. It can be seen from my decision that I do not agree that this is the case. In any event, it remains that the proposal would result in a loss of openness to the immediate section of the Green Belt and the fact that it may not conflict with the other reasons for including land within the Green Belt would represent a lack of harm, which is neutral in the planning balance. The lack of impact on flood risk is also a neutral matter in the balance.

Whether Very Special Circumstances Exist

20. It is accepted that the harm arising from loss of openness would be limited. However, it remains that the proposal would represent a disproportionate addition over and above the size of the original dwelling and would therefore amount to inappropriate development in the Green Belt.
21. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Even when taken cumulatively, the other considerations advanced in support of the scheme would attract only moderate weight and would not clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. In this regard, the proposal would also conflict with Policy HS5 of the Local Plan.

Conclusion

22. The proposal would conflict with the development plan. There are no other considerations, including the provisions of the Framework which indicate that a decision should be taken other than in accordance with the development plan. For this reason the appeal is dismissed.

C Rafferty

INSPECTOR