



Appeal Decision

Site visit made on 22 August 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/D2320/D/23/3318484

The Oaks, Preston Road, Charnock Richard, Lancashire PR7 5LH

- 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 S Morris against the decision of Chorley Borough Council.
- The application Ref 22/01227/FULHH, dated 27 November 2022, was refused by notice dated 23 January 2023.
- The development proposed is a rear first floor extension over ground floor extension to form an additional bedroom and bathroom.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal 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 of the proposal 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

3. The appeal site relates to a large modern detached dwelling, situated in a large plot with gardens to the front, side and rear. It is located within open countryside, with the nearest settlement being Charnock Richard.
4. The proposed development comprises a first-floor extension, which would be built above an existing single storey extension granted planning permission in 2014¹.

Inappropriate Development

5. Paragraph 137 of 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.

¹ Planning Application Ref: 14/0115/PDE

6. 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 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Paragraph 149(c) includes 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. 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. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
8. Policy HS5 of the Chorley Local Plan 2015 (CLP) states that permission will be granted for the extension of dwellings in the Green Belt provided that the proposed extension does not result in a disproportionate increase in the volume of the original dwelling. Under this policy, increases of up to 50% (volume) are not considered disproportionate. This provides more detail than the Framework but is nevertheless consistent with it.
9. The original property has already been extended by virtue of the addition of a two-storey side extension², a single storey rear extension³ and a single storey side extension⁴. It is not disputed that the proposed extension would, in combination with the previous additions to the original dwelling exceed the 50% increase in volume allowed by Policy HS5 of the CLP. The cumulative volume increase of the proposed extension together with the previously built extensions would be in the region 140%, significantly greater than 50%.
10. Whilst I recognise that an assessment of proportionality is primarily an objective exercise based on size, volume is not the only possible measure. My attention has been drawn to an appeal decision⁵ which found that a volumetric increase is not the only possible measure of the degree of change be considered when assessing whether an extension is a disproportionate addition. In determining this appeal, I have also had regard to the changes to the original size of the building, including the scale, form, massing, bulk, and height of the extension. I acknowledge that there would be no increase to the footprint, as the extension would be above an existing single storey element. Nevertheless, the proposed extension would still be a considerable increase in the floorspace, height and bulk of the original dwelling.
11. For the above reasons, the proposed extension, in combination with previous extensions, would therefore, clearly be a disproportionate addition to the original dwelling which would constitute inappropriate development which is by definition harmful to the Green Belt.

² Planning Application Ref: 14/00868/FUL

³ Planning Application Ref: 14/01155/PDE

⁴ Planning Application Ref: 14/01154/CLPUD

⁵ Appeal Ref: APP/H2265/D/17/3177557

Openness

12. Paragraph 137 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions.
13. The extension would be located to the rear of the dwelling, be built above an existing outrigger, and would not extend the footprint of the dwelling. The extension would also not be highly visible from the public realm. Nevertheless, the extension would increase the volume and massing of the existing building and in doing so would result in a harmful loss of openness both visually and spatially, albeit this would be limited given the scale of the proposal. This factor weighs somewhat against the proposal.

Other Considerations

14. My attention has been drawn to a small number of planning applications, which have been permitted whilst exceeding the 50% guideline set out in the CLP. These include Gate House⁶ which relates to a two-storey rear extension, side porch extension and detached garage and Lancaster House Farm⁷ which sought planning permission for an annex. However, based on the limited information available to me, I am unable to draw any meaningful comparisons and conclusions from this.
15. I have had regard to the appellant's suggestion that a two-storey extension to the rear of the dwelling could be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and that this would have a similar impact on openness of the Green Belt as the proposed extension. They acknowledge that the proposal would not meet the requirements of the GPDO. Nevertheless, they state that this would be a fallback position should the appeal be dismissed and argue that this 'fallback position' amounts to very special circumstances which indicate that the appeal should be allowed.
16. My attention has been drawn to an appeal decision⁸ which considered the fallback position as relevant factor. In this particular case, the appellant had been granted a Lawful Development Certificate (LDC) for extensions which were approximately 10% smaller than the one considered by the appeal. The difference between the appeal proposal and the permitted extension would have been small, and therefore the Inspector found that the proposed extension would not have a materially greater impact in Green Belt terms than the scheme which could be built under the LDC. The Inspector found that there was a realistic possibility of the extensions being built, which led the Inspector to conclude that considerable weight should be given to this fallback position.
17. This appeal is not supported by the same level of evidence and whilst it is suggested that an extension could be built in accordance with the GPDO, I have not been presented with any compelling evidence to lead me to conclude that there is a reasonable prospect of an extension being built under these provisions. Furthermore, I have also not been provided with any compelling evidence that it would have a similar effect on the Green Belt as the proposed scheme. Accordingly, I afford limited weight to this fallback position.

⁶ Planning Application Ref: 15/01186/FUL

⁷ Planning Application Ref: 15/01079/FUL

⁸ Appeal Ref: APP/A4710/D/19/3221998

Other Matters

18. The site is adjacent to the former Hunters Lodge Motel, which has recently been granted planning permission for redevelopment for residential purposes. I have been provided with limited details of the proposed development. However, the two sites differ in that one relates to the extension of an existing dwelling and the other to the redevelopment of a previously developed site.
19. Consequently, based on the evidence before me, I am unable to draw any meaningful comparisons and conclusions from this development. In any event, I am required to consider this appeal proposal on its own individual merits.
20. A previous application⁹ was refused on the site and the appellant argues that this revised scheme has taken on board the comments on the previous application to achieve a mutually acceptable scheme. Whilst it is acknowledged that the current proposal is smaller than the extension that was refused planning permission in 2017, I have still found that it would result in inappropriate development in the Green Belt.
21. I also note that an alternative design with a flat roof would have a smaller volume. However, it would remain substantial. In any event, such a scheme is not before me.
22. The Council's reason for refusal does not relate to character and appearance. I agree that the proposed extension would be acceptable in terms of its use of materials and effect on the character and appearance of the area. I also agree that there would be no adverse impacts on the living conditions of occupiers of neighbouring properties. However, the absence of harm on these matters is a neutral factor which neither weighs for or against the proposal.

Green Belt Balance

23. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
24. In summary, the proposed extension, combined with previous extensions, would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. The other considerations advanced in support of the appeal carry no more than limited weight and thus do not clearly outweigh the harm I have identified.
25. Consequently, the very special circumstances necessary to justify the proposal do not exist thus it would fail to accord with the Green Belt aims set out in Policy HS5 of the CLP and the Framework.

Conclusion

26. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.

⁹ Planning Application Ref: 17/00277/FUL

27. The proposal conflicts with Policy HS5 of the CLP and that leads to conflict with the development plan as a whole and there are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR