



Appeal Decision

Site visit made on 10 October 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2023

Appeal Ref: APP/M0655/D/23/3321327

195 Myddleton Lane, Winwick, Warrington, WA2 0RL

- 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 Chadwick against the decision of Warrington Borough Council.
 - The application Ref 2022/42277, dated 8 September 2022, was refused by notice dated 26 April 2023.
 - The development proposed is a two storey side and rear extension, single storey front extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site inspection I saw that the proposed extensions had substantially been constructed, although there were some differences between the built situation and the proposal, including fenestration changes. I have therefore determined the appeal based on the proposed plans.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposed development on the openness of the Green Belt; and,
 - If the proposed development is inappropriate, 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 the development.

Reasons

Whether inappropriate development

4. The appeal site is a semi-detached dwelling within a row of 12 properties, including other pairs of semi-detached dwellings, located on the opposite side of the A49 from the main built form of Winwick.
5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state

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, subject to a number of exceptions as set out in paragraph 149. One such exception is criteria c), which permits 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 glossary attached to the Framework confirms that the term 'original building' relates to the building as it existed on 1 July 1948 or, if constructed after, as it was originally built.

6. Policy CS5 of Warrington Borough Council's Local Plan Core Strategy, adopted July 2014 (CS) requires development proposals in the Green Belt to accord with national policy.
7. There is no definition of 'disproportionate additions' in the CS or in the Framework. However, Warrington Borough Council's House Extensions Supplementary Planning Document, dated June 2021 (SPD), sets out at paragraph 2.4 that extensions above 33% of the cubic size of the original property would amount to a disproportionate addition. This is material to my assessment of the appeal proposal.
8. It is noted that the extensions already made to the appeal property would be demolished to accommodate the proposed two-storey side extension, a two-storey rear extension across most of its rear elevation, along with a single storey extension across its front elevation. The Council estimates the volume increase to be approximately 90% above that of the original building, including an original garage that is said of have been demolished. The appellant has not disputed this calculation. These proposals would engulf the original dwelling on two of its three sides, and significantly add to its other side. Taken together, the volume of these increases would amount to a substantial addition to the property, and one which I find to be disproportionate, over and above the size of the original building. It would also exceed the tolerance permitted by the SPD.
9. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy CS5 of the CS, and paragraph 149 of the Framework.

Openness

10. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to keep land permanently open. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects.
11. The appeal property is clearly visible from Myddleton Lane. Notwithstanding the neighbouring dwellings that have been extended similarly to the proposal, the openness of the Green Belt is clearly evident around the property and the wider area. The proposal would harmfully infill space between the appeal property and No. 197 and increase the mass of the building, which would both have harmful spatial and visual effects upon the openness of the Green Belt. Openness would be reduced as a consequence, and although its effect in this case would be localised, the Framework requires me to give substantial weight to any harm to the Green Belt.

Other considerations

12. The Framework makes it clear at paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes at paragraph 147 of the Framework 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.
13. Notwithstanding the appellant's arguments that the proposal would not be a disproportionate extension when compared with other extensions on adjoining and nearby properties, my assessment in this case is limited to whether the proposed development is a disproportionate extension to the original dwelling only, in accordance with the CS and the Framework.
14. The appellant has argued that the proposal would be similar to extensions that have been undertaken to its adjoining properties, No's 193 and 197, and nearby at No 191, and the proposal would architecturally even out the appearance of the appeal property in the row of properties, including removal of its 'bitty extensions'. The planning history for No. 197's extensions, indicates they were granted planning permission in 2005, and whilst there was conflict with Green Belt policy, the Council concluded they were acceptable due to other extensions. That decision pre-dates the CS, the Framework, and the SPD. I am not aware of the planning history or reasons for approving extensions at Nos 191 and 193. Furthermore, whilst some semi-detached properties in the row have been extended in a form not dissimilar to the proposal, equally some haven't. Therefore, I find there is insufficient justification to support the appeal property being extended in a similar way to No's 191, 193 and 197, and I attach limited weight to this argument.
15. The appellant has suggested that the proposal would not conflict with the purposes of the Green Belt as set out in paragraph 138 of the Framework. In my assessment above I found that the proposal would be inappropriate development that would harm the openness of the Green Belt. Furthermore, the proposal would add to urban sprawl within the Green Belt and conflict with its purposes. I do not concur with the appellant in respect of this matter, as such I attach no weight to this argument.
16. It has been stated that the appellant could extend the property under permitted development rights to its side by half the width of the original property and to the rear by projecting out 3 metres, including a two-storey part. I have not been provided with any precise details of this. Should permitted development rights allow such extensions, it is likely given that the appellant would exercise such rights, as they wish to extend their property. However, based on the limited information provided and, in this event, such extensions would be smaller in both their footprint and height to that of the proposed development, and would be likely to have a lesser impact on the openness of the Green Belt than the proposal before me. I therefore attach very limited weight to this argument.
17. It has also been stated that the proposal would be clad in matching external materials to that of the main property; it complies with national and local planning policy in other respects; the extensions would be subservient to the host property with the side extension set back and featuring a lower ridge height. However, these are likely to be requirements of any well-designed

scheme, and as such these are neutral factors in my determination, that neither weigh for or against the proposal.

18. The appellant has also stated that the proposal would result in improvements to the living standards for the occupiers of the appeal property, including their outlook. It is also said that extensions to neighbouring properties have an overbearing effect and overshadow the appeal property as they are 1 metre from its boundaries. Whilst I accept the proposal would improve the living conditions for future occupiers, by providing larger accommodation and bringing some parts of the building in line with those of the extended parts of the adjoining occupiers, these points carry very limited weight.

Conclusion

19. The new extensions would be inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. At most I give limited weight to the material considerations cited in support of the proposal and conclude that, taken together, they do not outweigh the harm the proposed development would cause to the Green Belt.
20. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal would therefore conflict with Policy CS5 of the CS and national Green Belt policies contained within the Framework, which collectively seek to protect the Green Belt from inappropriate development, and permit extensions only where they would not represent a disproportionate addition over and above the size of the original building. There would also be conflict with the Green Belt purposes set out in the Framework contained in paragraph 138, and the guidance on extensions set out in the SPD that seeks to prevent disproportionate extensions to original dwellings.
21. The proposal conflicts with the development plan taken as a whole and national policy set out in the Framework to protect the Green Belt, and it is not sustainable development. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

A Hunter

INSPECTOR