



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: 15th November 2023

Appeal Ref: APP/D2320/D/23/3321418

Sundance, 166 Bolton Road, Anderton, Lancashire PR6 9HN

- 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 John Wiggans against the decision of Chorley Borough Council.
 - The application Ref 22/01125/FULHH, dated 3 February 2023, was refused by notice dated 6 April 2023.
The development proposed is described as "Extension of existing balcony to same level existing patio, with extension to make a useable outside decked area."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw on my site inspection that the decking area had already been created, although the built situation had some differences to the proposed plans, such as the balustrade details and the proposed boundary treatment between the appeal property and the adjoining property, Ickledoo, had not been erected. I have therefore assessed 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 property appears as a bungalow from its front elevation, but due to falling ground levels has accommodation at lower ground floor level on its rear elevation. Its rear garden is also at a much lower level than its ground floor. The appeal property has already been extended with a side extension, two

- storey rear extension, balcony, and a dormer extension to the rear. The property forms part of a similar line of properties facing onto this part of Bolton Road.
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 HS5 of the Chorley Local Plan 2012- 2026, Site Allocations and Development Management Policies, Development Plan Document, adopted 21 July 2015 (CLP) supports development that does not result in a disproportionate increase in the volume of the original dwelling. It states that increases in volume up to 50% are not considered to be disproportionate. The Central Lancashire, Rural Development, Supplementary Planning Document SPD, Final Version, dated October 2012 (SPD) at paragraph 55 also states extensions to dwellings in the Green Belt above 50% of their original volume, would be inappropriate.
 7. The appeal proposal would add a raised decked area immediately to the rear elevation of the property, level with its ground floor, this would also create a covered area at lower ground floor beneath it. The additional covered area would add to the volume of extensions to the original dwelling.
 8. The Council has stated that extensions to the proposed dwelling have already exceeded the 50% tolerance permitted by Policy HS5 of the CLP, although neither the Council nor the appellant have provided calculations of the volume of the existing extensions. However, the appellant has stated the proposed decking would measure 26 metres square (excluding the area of the existing sun lounge and stairs) and they have stated it would be 2.4 metres above the garden level. In view of this information, together with the extensions already undertaken, which were evident on my site inspection, I am in no doubt that the proposal would be an increase above 50% of the volume of the original dwelling. This would amount to a disproportionate addition over and above the size of the original building.
 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 HS5 of the CLP, and the associated policies of the Framework.

Openness

10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. As the proposed decked area would be to the rear of the appeal property, which would not be particularly visible from public areas its visual impacts are limited. Nevertheless, the proposal would add to the mass,

bulk, and footprint of the property, thereby having spatial impacts upon the openness of the Green Belt. Openness is reduced as a result.

11. As such, the proposal would harmfully erode the openness of the Green Belt, and whilst the effect on the openness of the Green Belt in this case would be localised, this harm carries substantial weight.

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. The appellant has stated that the proposal would improve the living conditions for occupiers of the appeal property as it would provide a raised area to allow views to the rear fields above the planting in the adjoining field; provide a shaded space below the decked area to make the garden more usable; retaining functional space for family use of the rear garden; and that it is designed with fall protection measures. These points are noted, although they are also private benefits for the occupiers of the appeal property, and they attract little weight.
14. It has been said that Ickledoo has had some of its rear garden area raised, part of which is of a similar level to the proposed decked area, and the proposal would include a 1.8 metre high fence to protect the privacy of both the occupiers of Ickledoo and the appeal property. It is also stated that the proposal would allow greater privacy from within the kitchen window of the appeal property. Be that as it may, and noting that the proposed decked area itself, gives rise to some of the privacy issues, and that the provision of boundary treatment could be erected independent of the proposal, these are neutral matters that neither weigh in favour or against the proposal.
15. The appellant has stated that the proposed decked area was constructed over a prolonged period to protect habitats and the environment and avoids interference with the lawn and plants. It is also stated that its use of timber will prevent slippages and its glazed balustrading would allow views over the Green Belt. Furthermore, the external materials are said to be like those on other developments nearby on the south side of Bolton Road. These points are acknowledged, but as most of them would likely be requirements of any well-designed development, I do not attach any weight to them.
16. The appellant has referred me to an extension in the Green Belt that has been approved nearby at No 134 Bolton Road¹, which the appellant said was above 50% of the property's original volume. However, the Council's report regarding that proposal clearly states that the proposal would comprise extensions that would be less than 50% of the original property's volume. Consequently, I did not find that example to be comparable to this proposal or to weigh in favour of the appeal scheme.

¹ Ref. 21/00028/FULHH

Conclusion

17. The new extension 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.
18. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal would therefore conflict with Policy HS5 of the CLP, and the national Green Belt policies contained in 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 as set out in paragraph 138 of the Framework, and the guidance on extensions set out in the SPD that seeks to prevent disproportionate extensions to original dwellings.
19. 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