



Appeal Decision

Site visit made on 7 November 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2023

Appeal Ref: APP/R2330/D/23/3325286

36 Haslingden Old Road, Oswaldtwistle, Lancashire BB1 2DY

- 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 Malik against the decision of Hyndburn Borough Council.
 - The application Ref 11/23/0051, dated 30 January 2023, was refused by notice dated 7 June 2023.
 - The development proposed is 2 storey side extension with single storey infill to connect to existing single storey rear extension including new flat roof over.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has referred to Hyndburn being in the process of producing a new Local Plan. From the evidence before me the new Local Plan is only at the early stages of preparation. As it has not yet been submitted, nor been through examination, I cannot be certain when the plan is likely to be adopted or what the policies are likely to contain. Moreover, neither party have relied on the new Local Plan in their evidence. As such I have not considered this document any further in my decision.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and
 - whether any 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

Whether inappropriate development

4. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings within the Green Belt is inappropriate development, subject to certain exceptions. The exception at Paragraph 149 c) allows for 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.

5. Policy BD1 of the Hyndburn Borough Council Local Development Framework, The Core Strategy, 2012 (CS) sets the development hierarchy for the borough and seeks to maintain the general extent of the Green Belt and resist development in rural areas, except in certain circumstances. Neither the Framework nor Policy BD1 define 'disproportionate additions'.
6. Policy DM34 of the Hyndburn Borough Council Local Plan Development Management DPD, 2018 (DPD) provides guidance on assessing proposals for, amongst other matters, extensions to buildings in the Green Belt. Criterion 3 advises that proposals would be permitted where they would not result in an increase of more than 50% of the volume of the original building and where the proposal would not have a detrimental effect on the original building, group of buildings, or wider area.
7. Policy DM34 provides a more detailed definition of disproportionate additions to that provided in the Framework, and an indicative threshold. However, in my judgement, the policy follows the broad approach of the Framework and adds a locally specific definition to assist the decision maker. Overall, Policies BD1 of the CS and DM34 of the DPD are broadly consistent with the Green Belt protection aims of the Framework and I have therefore afforded them full.
8. The appeal site is within Green Belt. From the evidence before me the property has not been extended previously. However, both main parties agree that the current proposal would exceed the 50% threshold set within Policy DM34 of the DPD. The proposed extensions would sit below the ridge height of the original dwelling, both the ground floor and first floor would be set back from the front elevation of the original dwelling and the design detailing and matching materials are not objectionable.
9. However, the proposed extensions would elongate the appearance of the front and side elevations and would increase the scale, bulk, and massing of the property substantially. The extensions would be a large addition to the side and rear of the existing property which would lead to a significant increase in the footprint and floorspace of the original dwelling. The proposal would, therefore, alter the building's appearance to a significant degree such that, in my view, it would result in a disproportionate addition over and above the size of the original building.
10. For these reasons I conclude that the proposed extensions would be inappropriate development in the Green Belt. It would, therefore, be contrary to Policy BD1 of the CS and Policy DM34 of the DPD which, taken together, seek to limit development in rural areas and resist extensions that exceed 50% volume increases over the original building.
11. The proposed extensions would not meet with any of the exceptions for new buildings in the Green Belt. Paragraph 147 and 148 of the Framework explains, in summary, that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Openness

12. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The host property comprises a semi-detached dwelling within a large curtilage, with land to the side and rear, and outbuildings to the rear.

The area is characterised by pairs of semi-detached houses set along one side of Haslingden Old Road with gaps between. Immediately opposite the site is open fields. The pairs of houses are all of a similar design and scale, although some have been extended, and the gaps are also of a comparable size. The area is characteristic of the countryside with ribbon development, it is not built-up or suburban as the appellant asserts and is outside the settlement of Blackburn. The first three purposes of the Green Belt, as defined at paragraph 138 of the Framework, are all relevant to the appeal site and the appeal proposal.

13. Although the appeal property is one of a number of semi-detached houses along Haslingden Old Road, the gaps between the pairs of houses, and the open fields opposite, provide views of the wider area, the open countryside, and the Green Belt from the adjacent highway. The spaces between the pairs of semi-detached dwellings currently contribute positively towards the openness of the Green Belt, both spatially and visually.
14. The proposed extensions would be built onto a part of the property, which is currently free from development, albeit used in association with the property. The proposal would extend the dwelling substantially beyond the limits of the existing. Moreover, the proposed car parking area, providing a relocated access drive and space to park five vehicles, would result in most of the area to the side of the dwelling being hard surfaced. The extensions and car parking area would reduce the spatial openness around the dwelling and would, therefore, have a spatial impact on the openness of the Green Belt. Moreover, the proposal would reduce the gap between the dwellings which would not safeguard the countryside from encroachment and results in greater level of development in the Green Belt.
15. The proposed extensions would be seen from the road and neighbouring properties. The change to the dwelling, brought about by the proposed extensions, would alter the massing and bulk of the building when viewed within the context of the Green Belt. The extensions would reduce the appearance of the gap between the appeal property and the neighbouring property and would be a highly noticeable addition. This would perceptibly reduce the visual openness of the Green Belt. In my judgement, the increase in bulk and massing, compared to the existing dwelling, would have an impact on the visual aspect of the openness of the Green Belt, as a whole.
16. Overall, the proposed extensions to the dwelling would have a greater impact on both the spatial and visual aspects of the openness of the Green Belt than the existing dwelling. The impact on openness would be significant and I give the harm to the openness of the Green Belt substantial weight in my decision.

Other considerations

17. The main parties agree that the design of the extensions would not have an adverse effect upon the character and appearance of the area and the additions would not affect the living conditions of neighbouring occupants. I find no reason to consider otherwise in these matters. However, the absence of harm in such terms is a neutral factor in my assessment, carrying neither positive nor negative weight. The lack of any objections from neighbours or consultees is also neutral in my decision.

18. The appellant has drawn my attention to other properties on Haslingden Old Road which have been previously extended, the details of which were provided in the Supporting Statement to the planning application.
19. Both main parties agree that the extension at No 44 Haslingden Old Road (No 44) is similar to the proposal before me. I saw at my visit that No 44 is set back from the road, accessed off a section of Haslingden Old Road which is not the primary highway. There are also existing trees between No 44 and its adjacent neighbour which would reduce the visual impact of the approved extension. The location characteristics of No 44 are, therefore, not the same as the appeal site, as contended by the appellant. Moreover, I note that the volume increase at No 44 was calculated to be in the region of 69% whereas the appeal before me proposes more than 100% increase. Consequently, although the extension at No 44 is similar to the appeal before me there are material differences.
20. Although there are other extensions to the sides of dwellings in the immediate area, the majority of the houses have not been extended to the extent of the current appeal proposal. Contrary to the appellant's assertion, generous sized double storey side extensions and rear extensions are not a defining feature of the locality. Most of the two-storey side extensions are smaller, sympathetic and subordinate to the existing dwellings, and do not include two-storey rear extensions beyond the rear elevation of the original dwelling. From my site visit I do not consider that there are more properties with large side extensions than not, as contended by the appellant.
21. Although some of the extensions to other houses would have exceeded 50% of the original floor space this is only part of the consideration of the appropriateness of an extension in the Green Belt, when assessed against Policy DM34 of the DPD. With the exception of No 44 none of the other extensions result in the same elongated front and side elevation, bulk, and massing as the appeal before me. Consequently, none of the examples given by the appellant provide justification for the current proposal.
22. Given the personal circumstances that I have been made aware of within the appellant's evidence I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010. The circumstances of one family member would justify some of the proposed accommodation, including the provision of a ground floor bedroom. However, there is no substantive evidence before me which demonstrates that the personal circumstances are such that the totality of the accommodation proposed is needed, particularly that proposed at first floor level.
23. The appellant has also referred to email from the Council following pre-application advice. Although the email notes the need for consistency in decision making it does not specifically confirm the Officer's support for the appeal proposal. In any event each scheme must be considered on its own merits.

Planning Balance

24. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. In this case, I have found harm to the Green Belt by reason of the proposal being inappropriate development and its impact on openness. These matters attract substantial weight.

25. 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.
26. Against the totality of the harm I have identified, the other considerations advanced by the appellant are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would thus conflict with the Green Belt policies in the Framework, Policy BD1 of the CS and Policy DM34 of the DPD.

Conclusion

27. For the reasons given above I conclude that the proposal would conflict with the development plan as a whole, including the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, the appeal should be dismissed.

K Townsend BSc MA MRTPI

INSPECTOR