



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: 11 December 2023

Appeal Ref: APP/N4205/D/23/3324988

2 Harts Houses Row, Horwich, Bolton BL6 6SB

- 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 Mark Dagnall against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 16006/23, dated 17 May 2023, was refused by notice dated 28 June 2023.
 - The development proposed is a garden shed and associated access steps into reduced level front garden space. Provision of below ground electrical cable from house to garden room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above, which is taken from the application form, describes the development as a garden shed and also as a garden room. I have considered the proposal as the erection of an outbuilding and the use of the building would be ancillary to the dwelling, whether it was used as a garden shed for storage or a garden room as ancillary accommodation. The use of the building is not determinative to the consideration of the main issues below.

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;
 - the effect on the character and appearance of the area, bearing in mind that it would be within the setting of the Wallsuches Conservation Area; 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. The appeal site falls within land defined as Green Belt. It comprises a mid-terrace dwelling with a lower front garden area which is separated from the house by the road and a public footpath which runs along the road. The appeal proposal is for a detached outbuilding on the lower front garden.
5. The National Planning Policy Framework (the Framework) explains that the construction of new buildings within the Green Belt is inappropriate development according to Paragraph 149 of the Framework, subject to certain exceptions. 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.
6. Given the proximity of the outbuilding to the dwelling and the ancillary purpose I consider that the proposal can be assessed as an extension of the existing building under paragraph 149 c).
7. Policy CG7AP of Bolton's Allocation Plan, 2014 (BAP) reflects the Framework, resisting extensions or alterations that are disproportionate additions over and above the original building and, in this regard, CG7AP is consistent with the Framework, and I have given it full weight. However, neither the Framework nor CG7AP define 'disproportionate additions' and an assessment of whether a proposal would amount to such is a matter of planning judgement.
8. Neither main party have provided me with any evidence regarding the size of the existing dwelling in relation to the size of the outbuilding. However, in this case whether the proposal is a disproportionate addition is not purely based on any percentage increase in built form. The Bolton Council House Extensions Supplementary Planning Document, 2012 (SPD) requires extensions to dwellings to consider the effect on the appearance of the dwelling, the street scene, and the character of the area and to be of a size and scale which is in proportion to the existing house.
9. The appeal before me proposes a large building forward of the dwelling, which is wider than the frontage of the existing dwelling and off-set from the building. The proposed building does not respect the appearance of the existing dwelling or the street scene. moreover, in my judgement the proposed building would not be read as a small addition to the dwelling and not be of a size or scale which is in proportion to the existing house. For these reasons, the proposal would represent a disproportionate addition over and above the size of the original building.
10. I, therefore, conclude that the appeal proposal would be inappropriate development in the Green Belt. The proposal would, therefore, conflict with Policy CG7AP of the BAP and would not comply with any of the exceptions set out in paragraph 149 of the Framework.

Openness

11. A fundamental aim of Green Belt policy is to keep land permanently open, as set out in paragraph 137 of the Framework. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site is within an area with a rural character with open views across the

countryside and the Green Belt. The lower front gardens of the houses currently contribute positively towards the openness of the Green Belt, both spatially and visually.

12. The proposed building would result in built development where there is presently none, and therefore unavoidably result in a reduction in the spatial openness.
13. Furthermore, the appeal site is clearly visible from the road and the openness of the Green Belt is evident around the appeal site, even though there are other sheds in the immediate area. The proposed outbuilding would, therefore, reduce the visual openness of the Green Belt, as appreciated from the surrounding area and result in harm to the visual aspect of the openness of the Green Belt.
14. Overall, the proposed outbuilding would have an adverse impact on the spatial and visual openness of the Green Belt as a whole. I give the harm to the openness of the Green Belt substantial weight in my decision.

Character and appearance

15. From the evidence before me the houses along Harts Houses Row are within the Wallsuches Conservation Area, however the lower gardens lie just outside the Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides, at section 72(1), that with respect to any buildings or other land, in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of the Conservation Area.
16. Paragraph 206 of the Framework aims for development within the setting of a heritage asset to enhance or better reveal the significance of the asset. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. As such the lower gardens are within the setting of the Wallsuches Conservation Area.
17. The Bolton Metro Environment Department Wallsuches Conservation Area document supports the understanding of the importance of the area. As far as it is relevant to the appeal, I consider that the significance of the Conservation Area is mainly derived from the open character and the Eighteenth and Nineteenth Century cottages. The appeal site, albeit outside the Conservation Area, currently contributes positively to the significance and setting of the Conservation Area by reason of being the front gardens of the terrace of houses and due to being part of a wider open area.
18. The building proposed would be set lower than the terrace of houses and would be built of materials that are typical of a garden shed. However, the proposal would introduce a sizeable building in front of the dwelling, protruding forward of the building line of existing structures in the immediate area. Furthermore, the building's footprint, height and massing would not be in proportion with the existing dwelling and would give it undue prominence in the street scene, despite being set at a lower ground level.
19. The building would be clearly visible from the road and the public footpath, and the development would be prominent and incongruous in the street scene. The development would adversely affect the character and appearance of the area, in my judgement, the development would also result in less than substantial

harm to the setting of the Wallsuches Conservation Area, detracting from the significance of this designated heritage asset.

20. For the above reasons I find that the proposal would have an adverse effect on the character and appearance of the area, and the setting of the Wallsuches Conservation Area, contrary to Policy CG3 of Bolton's Core Strategy Development Plan Document, 2011 (CS) which expects good design that conserves and enhances local distinctiveness, landscape quality, and the surrounding countryside through, amongst other matters, appropriate scale and massing.
21. The proposal would also be contrary to the advice within the SPD which seeks to ensure that extensions to dwellings are of a size and scale which is in proportion to the existing house and respects the street scene and character of the area, noting specifically that front extensions can unduly affect the existing street scene.

Other considerations

22. The appellant has drawn my attention to other garden sheds in the lower front gardens of other properties on Harts House Row which I saw during my site visit. I acknowledge that there are other sheds, and a greenhouse, also built on the same side of the road as the appeal proposal. However, these other sheds have smaller footprints and massing than the appeal proposal before me. Furthermore, they are all set tightly against the stone boundary walls and do not project as far out as the appeal proposal would. The other sheds are not, as the appellant asserts, identical in form to the appeal proposal.
23. The greenhouse is further out than the appeal proposal. However, this is within a larger garden area and is a lighter weight structure with less visual and spatial impact on the Green Belt than the appeal proposal. As such, the presence of existing sheds and the greenhouse do not justify the appeal before me. In any event each scheme must be considered on its own merits.
24. The proposal would provide garden storage for the occupiers of the dwelling. however, this is a minor private benefit of little weight. Notwithstanding the concerns raised by third parties on the planning application, due to being sited on the opposite side of the road and on lower ground, the proposed building would not cause any harm to the living conditions of the occupants of neighbouring properties. However, this is a neutral matter and does not weigh in favour of the proposal.

Planning Balance

25. The Government attaches great importance to 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 in accordance with paragraph 148 of the Framework which states that substantial weight should be given to any harm to the Green Belt, and that inappropriate development should not be approved except in very special circumstances. It goes on to explain that very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

26. The proposal would also cause harm to the character and appearance of the area and specifically the Wallsuches Conservation Area to which the Framework requires great weight to be attached.
27. 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.
28. 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 CG3 of the CS, Policy CG7AP of the BAP, and the SPD.

Conclusion

29. 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