



Appeal Decision

Site visit made on 7 November 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2023

Appeal Ref: APP/W4325/W/23/3322732

Woodville, Raby Road, Wirral, Raby CH63 4JR

- 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 & Mrs R Ollerhead against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/22/00863, dated 16 May 2022, was refused by notice dated 13 January 2023.
 - The development proposed is the conversion and extension of existing dwelling to provide residential apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new National Planning Policy Framework (the Framework) has been published by the Government which supersedes the previous Framework. Any reference below to the Framework or its policies relates to the new edition and the paragraph numbers found within it.

Main Issues

3. The appeal site is located within the Green Belt and therefore the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the surrounding 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. Paragraph 152 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 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.

5. Subject to a number of exceptions, as listed in Paragraphs 154 and 155, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include 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. Policies GB2, GB3 and GB5 of the Wirral Unitary Development Plan (February 2000, the WUDP) bare some resemblance to the national policies set out under the Framework and seeks to restrict extensions to no more than 50% of the floor space of the original building. I am mindful that these policies relate to the extension of dwellings rather than, as in the Framework, buildings more generally. However, as the scheme relates to a dwelling, I find that insofar as they relate to the appeal before me these policies are consistent with the Framework. As Policy WP8 of the emerging Wirral Local Plan 2021-2037 (the WLP) relies solely on National Policy, I have afforded it substantial weight in my consideration of this appeal.
6. The appeal site contains a detached dwelling and garage within a sizeable garden area outside of Thornton Hough and close to a recent residential estate, Stables Close. The proposal is for the extension of the host dwelling and its subdivision in to seven flats, and the extension of the existing garage and its conversion in to a detached dwelling. The proposal also includes the provision of hardstanding to form the driveway and parking serving the properties, and the provision of bike and bin stores.
7. From the submissions before me I understand that around the early 2000s a two-storey side extension and a single-storey rear extension were added to the host dwelling. It appears that the rear extension replaced a smaller existing extension. These portions of the property do not, therefore, form part of the original for the exception set out above. I note that former cattery buildings may have also been removed as part of the 2000 development, but lacking sufficient evidence this has not been determinative in my considerations.
8. The proposed extensions, when taken cumulatively with the existing side and rear extensions, would be a significant and disproportionate additions over and above the size of the original building. The cumulative scale of the extensions would dominate the host dwelling and would exceed the requirements of the local plan's limit of 50%. The extension of the dwelling would therefore be inappropriate development in the Green Belt.
9. As noted above, the garage would also be extended. This would be through the creation of an additional floor and a single-storey porch area. The additional floor would have the same footprint as the existing ground floor and so, along with the porch, would result in extensions that are disproportionate and exceed a 50% increase in the floorspace of the original building.
10. The proposal would be a disproportionate extension over and above the size of the original buildings and would therefore be inappropriate development in the Green Belt. The proposal would therefore conflict WUDP Policies GB2, GB3, GB5 and WLP Policy WP8, as well as with Section 13 and, in particular, Paragraphs 152 to 154 of the Framework, as outlined above.

Openness

11. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. Openness has both a spatial and visual aspect, and an adverse impact to either can harm the openness of the Green Belt as a whole.
12. The significant additions described above to both the dwelling and garage would increase the spatial and visual scale of the buildings and therefore their impact on the openness of the Green Belt. This would be further exacerbated by the large area of hardstanding proposed for access, parking and turning of vehicles, as well as the provision of bike and bin stores. Further harm would occur through the proliferation of residential paraphernalia and parked vehicles across the site which would be increased in comparison to the existing single dwelling.
13. Although I am mindful of the former rear extension to the host dwelling, given its small scale, this would have had a significantly lesser effect on the openness of the Green Belt than the existing or proposed developments. Moreover, I am mindful of the appeal site's relation with other built development. However, the site is still within the Green Belt and its contribution is no less important for its relationship to the recent residential development.
14. I recognise the scale of the proposal in relation to the Green Belt as whole, as such I find that the harm to its openness would be more limited. However, the Framework, under Paragraph 153, is clear that any harm to the Green Belt should be given substantial weight. By harming the openness of the Green Belt, the proposal would conflict with WUDP Policies GB2, GB3, GB5 and WLP Policy WP8 as well as Section 13 of the Framework, including Paragraphs 143 and 153 as noted above.

Character and Appearance

15. The appeal site is a spacious plot that contains a sizeable, detached dwelling and an associated garage surrounded by garden space. The plot is accessed from Raby Road and is near a cluster of residential development but is also read against the wider open countryside. As noted above the proposal would result in a two-storey rear extension, the addition of dormers to a number of roof slopes, and the extension and conversion of the garage to a detached dwelling.
16. The existing dwelling has already been significantly extended to the side and rear, this has somewhat diminished the prominence of what would have been a double-fronted dwelling. Although the proposal would, through additional extensions, further reduce this prominence, I find that this is not harmful in itself. Moreover, the design and form of the extensions would suitably reflect, and be sympathetic to, the design and appearance of the existing building.
17. I recognise that dormer windows are not characteristic of the host dwelling. However, each dormer would be of a relatively small scale, and would be proportionate to the roof and windows on the floors below. Their design would also include pitched rooves and they would be aligned with the pattern of fenestration on the lower floors. Moreover, other properties in the area have front dormers, including on Stables Close. Collectively, I find therefore that the

proposed dormers would not be incongruous or detrimental to the character and appearance of the host building. Whilst WUDP Policy HS11 seeks to restrict front facing dormers, I do not find the dormers before me would conflict with the overarching design aims of the policy.

18. I am mindful of the fact that the appeal site is close to the Thornton Hough Conservation Area (the THCA). Having regard to my statutory duty, I am satisfied that the appeal site is not so close as to affect views in, or of, the THCA, and that the proposal would have a neutral effect upon the character and appearance of the conservation area. Therefore, harm to the significance of the heritage asset would not occur. It is noteworthy that the Council did not raise the impact on the conservation area as a concern when it refused the planning application.
19. The proposal, by way of its design and scale, would not harm the character or appearance of the existing dwelling and would therefore comply with WUDP Policy HS11 which seeks for extensions to be of an appropriate scale to the plot and host building, and to make use of matching, or complementary, materials. It would also comply with the design aims of the Framework, including paragraph 135, which seeks for developments to be sympathetic to local character and the built environment, maintaining a sense of place.

Other Considerations

20. The Government's objective is to significantly boost the supply of housing and the proposal would provide seven new dwellings. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract moderate weight.
21. Although the dwelling as existing may be large and inefficient to run, it has not been demonstrated that the proposal before me would be the only way in which improved energy efficiency could be achieved. Consequently, I have afforded this matter limited weight.
22. Although the dwellings, by primarily being flats, may be smaller than is typical for this area, I cannot be certain that they would be more affordable or that they would necessarily be suitable for first time buyers. This matter has therefore not been determinative in my considerations.

Green Belt Conclusion

23. The proposal would amount to 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 have attached moderate weight to the consideration in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with WUDP Policies GB2, GB3, GB5 and WLP Policy WP8, and the Green Belt aims of Section 13 of the Framework, as outlined above.

Other Matters

24. The appellant has referred to the development adjacent to the site where 8 new dwellings were erected. Stemming originally from permission reference

APP/17/01086 I note a number of subsequent permissions. This development is significantly different to the scheme before me, with regards to both scale and that it relates to the exception set out under 154(g) rather than 154(c). This has, therefore, had no substantive bearing on my assessment of this proposal. Moreover, proposals must be determined on their own individual merits as I have done in this case.

25. Although the Council may have provided positive pre-application advice, such advice cannot bind the Council in their full consideration of a planning application or preclude them from finding differently.
26. The appellant has raised that the Council's five-year housing land supply is currently being challenged but has not provided any details of the challenge or any substantive evidence as to why the supply is out of date. Even if I were to find that the Council could not demonstrate a five-year housing land supply, Paragraph 11 of the Framework would not engage as the policies of the Framework provide clear reasons for refusing the development proposed.

Conclusion

27. The proposal would be inappropriate development in the Green Belt and would harm its openness in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR