



Appeal Decision

Site visit made on 22 January 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2024

Appeal Ref: APP/P2365/D/23/3330146

Ellewood, 4 Chestnut Close, Newburgh, WN8 7AH

- 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 Woodman against the decision of West Lancashire Borough Council.
 - The application Ref 2023/0424/FUL, dated 11 May 2023, was refused by notice dated 11 August 2023.
 - The development proposed is construction of a single storey extension to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a single storey extension to the rear at Ellewood, 4 Chestnut Close, Newburgh WN8 7AH in accordance with the terms of the application, Ref 2023/0424/FUL, dated 11 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 21.1040 SU (00) 001 - Location Plan
 - 21.1040 P (00) 101 Rev A – Proposed Site Plan
 - 21.1040 P (00) 102 Rev B – Proposed Ground Floor Plan
 - 21.1040 P (00) 103 Rev A – Proposed Roof Plan
 - 21.1040 P (00) 104 Rev A – Proposed Elevations – Sheet 1
 - 21.1040 P (00) 105 Rev A – Proposed Elevations – Sheet 2
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I have removed the words 'application for the' from the description in the banner heading and my formal decision as this does not form part of the proposed development.
3. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Where reference is made to

the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issue

4. The main issue is whether the development would be inappropriate development in the Green Belt with regard to the Framework and any relevant development plan policies.

Reasons

5. The appeal relates to a two-storey dwelling with a detached double garage, located within a large plot, in the semi-rural village of Newburgh. The appeal property is located on a cul-de-sac consisting of seven similarly designed dwellings, and falls within land defined as the Green Belt.
6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. The Framework 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.
7. 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 154. One such exception, criterion (c), being 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.
8. Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document (2013) (LP) states that development within the Green Belt will be assessed against national policy and therefore conforms with the provision of the Framework.
9. Policy GB4 of the Council's Supplementary Planning Document Development in the Green Belt (2015) (Green Belt SPD) is referenced in the Council's reason for refusal. This policy provides three criteria to which alterations and extensions to buildings in the Green Belt must satisfy. The third of these criteria (c) requires, amongst other things, the design of the proposed extension to not materially harm the openness of the Green Belt through excessive scale or bulk, or by virtue of its location.
10. As established within case law¹, this requirement however is not a test within paragraph 154 of the Framework, which only requires openness to be taken into account when it is expressly stated as a determining factor in gauging inappropriateness. As such there is no requirement to assess the impact of the extensions and alterations to a building on the openness of the Green Belt. Consequently, the criterion (c) of Green Belt SPD Policy GB4 is not consistent with the Framework and therefore only very limited weight is given to criterion (c) of this policy. The other criteria within this policy are however considered to be consistent with the Framework.
11. The Framework does not provide a definition of 'disproportionate additions', however criterion (b) of Green Belt SPD Policy GB4 requires the volume of

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev1) [2016] EWHCA Civ 404

extensions and alterations to not increase the volume of the original building by more than 40%. Conversely, the Council's Supplementary Planning Document Design Guide (2008) (Design Guide SPD) states that as a guide extensions in the Green Belt should not normally exceed 50% of the volume of the original dwelling. As such, there is some inconsistency between the guidance within these SPDs.

12. The appeal proposes a single storey rear extension, with a linkway connecting to the rear of the main dwelling. The parties agree that the proposal increases the volume of the original dwelling by 37%. Therefore, and notwithstanding the inconsistency between the figures contained within the Green Belt and Design Guide SPDs, the proposal would adhere to the guidance within both these SPDs regarding volume increases arising from extensions to buildings within the Green Belt.
13. I acknowledge however that the figures within both the SPDs are a guide only, and that there may be circumstances where extensions of less than 40% are still considered to be disproportionate. Nevertheless, in this case the proposed extension would have a ridgeline that would sit below the existing ridgeline of the main dwelling and detached garage. This ensures that the proposed extension would appear as a subordinate addition to the main dwelling in terms of its height.
14. The proposed extension has been orientated so that its ridgeline, and longest elevation, runs parallel to the main ridge of the host dwelling. Notwithstanding this, the proposed extension would still project a significant distance out from the rear elevation of the existing dwelling, however this projection is not excessive in comparison to the overall depth of the original dwelling.
15. Additionally, the extension has also been sited so that its side elevations do not project beyond the sides of the existing built form on this plot. This, along with the aforementioned ridge height, results in an extension that appears confined and proportionate to the main dwelling, and is largely obscured from views within the cul-de-sac of Chestnut Close to the front. Albeit acknowledging that a small section of the extension will be visible from Chestnut Close through the narrow gap between the main dwelling and the detached garage, however I do not consider this to be harmful.
16. The proposed single storey extension would also be well screened from pedestrians and traffic using the A5209 by existing intervening dwellings which front on to this highway, and existing vegetation located to the rear of the appeal site. I am aware that this existing vegetation may not be retained in perpetuity and if it was to be removed the extension would be visible from sections of the A5209 when travelling from the west. Nevertheless, as detailed earlier the height and width of the proposed extension mean that the proposal does not extend above or beyond the side elevations of the existing built form on this plot. Thus, ensuring that the extension would be viewed against the backdrop of the main dwelling and garage when travelling from this direction.
17. For the reasons given above, I find that the proposed single storey rear extension, and link extension, as a result of their size, scale, projection and layout would be confined to within the existing width and height of the built form on this plot. Consequently, I find that the extension would appear as a subordinate feature and would not result in disproportionate additions over and above the size of the original building. Therefore, I conclude that the extension would not be inappropriate development within the Green Belt.

18. The Council's reason for refusal also makes reference to the additional areas of external hardstanding adding to the inappropriateness of the appeal proposal, with the Council's Officer Report stating that the proposed new hardstanding area represents an engineering operation.
19. Paragraph 155 of the Framework states that other forms of development, including engineering operations, are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
20. The proposed hardstanding terrace area would surround the proposed extension at ground floor level and be located wholly within the substantial rear garden of the appeal property, resulting in no encroachment into the surrounding countryside. Furthermore, this new area of hardstanding would extend out beyond the proposed extension a similar distance to that which the existing patio areas currently extend out from the dwelling.
21. The new patio area would therefore be viewed in association with the existing dwelling and the proposed extension and would likely only be visible from short distances within the appeal site, and from higher level windows in neighbouring properties. As such the proposed additional areas of hardstanding would preserve the visual and spatial openness of the Green Belt and do not conflict with the purposes of including land within it. Therefore, I also conclude the new hardstanding areas within the appeal site would not be inappropriate development within the Green Belt.
22. In view of all the above, the extension and alterations would not result in disproportionate additions over and above the size of the original building. Furthermore, the proposed additional areas of external hardstanding preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As such, the appeal proposal would not be inappropriate development in the Green Belt, as defined by the Framework and accords with Policy GN1 of the LP. Furthermore, I have found no conflict with the guidance contained within Policy GB4 of the Council's Green Belt SPD and the Design Guide SPD.

Conditions

23. In addition to the standard time limit condition, I have attached a condition specifying the approved plans to provide certainty and a condition requiring matching materials to safeguard the character and appearance of the area.

Conclusion

24. For the reasons given above, and having regard to all matters raised, the proposed development would accord with the development plan when taken as a whole and there are no material considerations that indicate it should be determined other than in accordance with it. I therefore conclude that the appeal should be allowed.

R Major

INSPECTOR