
Appeal Decision

Site visit made on 21 May 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/Q4245/D/23/3334825

Oakdene, Shay Lane, Hale Barns WA15 8UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by C and H Brioche against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 111514/HHA/23.
 - The development proposed is the erection of single-storey rear extension with use of flat roof as balcony with glazed balustrade including obscure glazed side privacy panels, alterations to first floor rear windows to doors, rendering and widening of existing front access, driveway and dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has raised no objections to the proposed widening of the existing access, driveway and dropped kerb. Based on the information before me, I have no reason to reach a different conclusion.

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 (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 living conditions of the occupiers of Rainford and Charleston, with particular regard to overlooking and loss of privacy; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other consideration so as to amount to the very special circumstances to justify the proposal.

Reasons

Inappropriate development

4. The appeal property lies in the Green Belt. The Framework states that the construction of new buildings in the Green Belt are inappropriate unless they

are for one of the exceptions listed in paragraph 154. Such 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.

5. Policy R4 of the Trafford Local Plan: Core Strategy (CS) states that the Council will continue to protect the Green Belt from inappropriate development. It goes on to say that new development within the Green Belt will only be permitted where it is for one of the appropriate purposes specified in national guidance, where the proposal does not prejudice the primary purposes of the Green Belt set out in national guidance by reason of its scale, siting, materials or design or where very special circumstances can be demonstrated.
6. Neither the Framework nor LP Policy R4 define what is meant by a disproportionate addition. However, the Council's Supplementary Planning Document¹ (SPD) states that an extension that would increase the size of the dwelling to no more than 30% above the original floor space would not normally have an undue impact because of its limited extent. This provides a reasonable method of determining whether an extension would be disproportionate.
7. The main parties agree that cumulatively the previous and proposed extensions would result in an increase to the floor area of the original building of around 50% and there is nothing before me that would lead me to disagree. This significantly exceeds the 30% guidance set out in the SPD. Moreover, the proposed and existing extensions, would add a considerable mass to the building greatly increasing its overall size. I therefore find that the proposal, in combination with the existing extension, would result in disproportionate additions to the original building.
8. Accordingly, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In that regard, the proposal would conflict with CS Policy R4, the SPD and the Framework.

Openness

9. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. Whilst the proposed extension would not be seen from public vantage points, it would be visible from adjoining properties. Furthermore, it would increase the scale and massing of the dwelling introducing built form where there currently is none. Consequently, the proposal would result in a visual and spatial loss of openness of the Green Belt through the introduction of additional built form.
11. I therefore conclude that there would be a loss of openness in the Green Belt which would conflict with the Framework at paragraph 137.

Living conditions

12. The proposed single storey rear extension and balcony would be close to the shared boundaries with the adjoining dwellings, Rainford and Charleston. I observed on my site visit that the gardens of such dwellings were clearly visible

¹ SPD4 A Guide for Designing House Extensions and Alterations

from the large upper floor windows of the appeal property, and in particular the patio areas directly to the rear, where outdoor dining furniture is located. The proposed 1.7metre high obscure glazed privacy screens on both sides would ensure that such patio areas are not overlooked, thereby improving the level of privacy experienced in this part of the gardens. Furthermore, while some overlooking of the rear garden areas of the adjoining properties would still occur from the front of the balcony, this would not be significantly greater than is experienced from the existing windows.

13. As such I conclude that the proposed development would not unacceptably harm the living conditions of the occupiers of Rainford and Charleston, with particular regard to overlooking and loss of privacy. Accordingly, there would be no conflict with CS Policy L7 and the SPD which, amongst other things, seeks to protect the amenity of the occupants of adjacent properties.

Other considerations

14. The appellant has drawn my attention to a Lawful Development Certificate (LDC) for a single storey rear extension that has been issued by the Council. It has therefore been accepted that such an extension could be built without planning permission. As the effort has been made to obtain such a decision, it is evident that the appellant wishes to extend and alter the existing dwelling. I am satisfied that there is a reasonable likelihood that the LDC extension would be implemented and can be considered to be a fallback position. Nonetheless, the plans before me show that it would have a smaller footprint and, thus, it would have a notably more limited impact on the openness of the Green Belt, than the appeal proposal. As a result, I attribute limited weight to such a fallback position.
15. The appellant has also suggested that an extension projecting from the rear by 8 metres could be constructed utilising permitted development rights. Nevertheless, there are no guarantees such an extension would be granted under the prior approval process notwithstanding that no objections to the appeal proposal were received. Consequently, I only afford this limited weight.
16. I acknowledge that other dwellings in the locality have been extended, and that some, including the appeal property, are replacement dwellings. However, no details of these extensions, the dwellings that were replaced, or the circumstances in which they were approved, are before me. Therefore, it is not possible to draw comparisons to this appeal. The existence of the extensions and replacement dwellings does not alter my findings.

Green belt balance

17. Paragraph 152 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
18. The appeal scheme has harmful implications for the Green Belt as it is inappropriate development and would erode its openness.
19. The other considerations I have identified are of limited or moderate weight in favour of the proposal. Consequently, these considerations, do not clearly

outweigh the substantial weight to be given to the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development. Accordingly, the proposal conflicts with CS Policy R4.

Conclusion

20. Whilst I have found that the proposal would not harm the living conditions of neighbours this does not outweigh the harm to the Green Belt that I have identified. The proposed development therefore conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

21. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR