



Appeal Decision

Site visit made on 3 June 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/M0655/D/24/3337570

9 New Lane, Croft, Warrington WA3 7JJ

- 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 Mr Mike Standring against the decision of Warrington Borough Council.
 - The application Ref is 2023/01309/FULH.
 - The development proposed is extensions to a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading is taken from the planning application form. However, the decision notice and appeal form describe the development as '*Erection of a first floor side extension and double storey front entrance extension to a detached house along with alterations to the existing driveway areas*'. I consider this to be a more accurate description of the appeal proposal and have therefore determined the appeal on the basis of this description.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect on the character and appearance of the area;
 - the effect on protected species, specifically bats, or their habitats; and
 - if found to be inappropriate development, 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 to justify the development.

Reasons

4. The appeal relates to a detached, two-storey, pitched roof dwelling within a substantial plot. The property is situated on the south side of New Lane within land designated as Green Belt. Directly to the west is a detached bungalow, and to

the south and east the appeal site is adjoined by open land. To the north, on the opposite side of New Lane, is a row of detached properties of varying designs and styles within the settlement known as Croft.

5. Attached to the side of the appeal dwelling is a single-storey, flat-roofed section, set flush with the front elevation of the main house and extending slightly further back beyond the main rear elevation. To the front the dwelling has a modest sized single-storey front porch and to the east is a detached outbuilding.

Whether inappropriate development

6. The proposal seeks to extend the appeal property with a first-floor extension above the majority of the existing single storey element to the side of the dwelling, along with a two-storey front entrance extension, following the removal of the existing porch, and alterations to the existing driveway area.
7. 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.
8. 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.
9. Policy GB1 of the Warrington Local Plan 2021/22-2038/39 (2023) (LP) states that in accordance with national planning policy, planning permission will not be granted for inappropriate development within the Green Belt, except in very special circumstances. This policy goes on to state that other forms of development defined in national planning policy to be an exception to inappropriate development within the Green Belt, will be supported, subject to meeting other relevant Local Plan policies and any relevant Supplementary Planning Documents. Therefore, LP Policy GB1 conforms with the provision of the Framework.
10. The Framework does not provide a definition of 'disproportionate additions'. However, the Council's House Extensions Supplementary Planning Document (2021) (SPD) has a section (2.4) relating to development within the Green Belt. This SPD explains that extensions and additions that result in an increase in size over 33% of the original building will be considered to be disproportionate and therefore unacceptable. The SPD clarifies that this measurement will be based predominantly on floorspace and volume.
11. There is a significant discrepancy between the parties in respect of the increase in volume arising from the appeal proposal. This discrepancy arises from whether or not the existing detached outbuilding falls under the definition of the original building, and therefore whether it should be included within the existing volume calculation, or the proposed volume calculation.
12. In this regard the term 'original building' is defined in the Glossary of the Framework as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally." The SPD includes the same definition of the 'original building' but also advises that any previous extensions and

detached buildings that have been added to the original property will be counted towards the resulting size.

13. As such, when the detached outbuilding was constructed is the determining factor as to whether or not it forms part of the 'original building', and therefore whether it should be included within the existing or proposed volume calculations.
14. The appellant's submission details how the original dwelling was believed to be constructed in 1825, however limited information has been provided as to when the detached outbuilding was built. The Council's Officer Report includes a historical map from 1910 and this map does not show the detached outbuilding. Whilst acknowledging that this 1910 map considerably pre-dates 1948, I have been provided with no evidence to show that the detached outbuilding was constructed before 1948. Consequently, I have determined this appeal on the basis that the outbuilding was constructed after 1 July 1948.
15. As such, in accordance with the guidance contained within the SPD the existing detached outbuilding does not form part of the original building and must therefore be considered as an addition or extension which counts towards the proposed volume calculations.
16. On this basis, according to the Council the proposed development, when added to the existing outbuilding, would result in a total additional volume increase of 46% above the original building (as existed on 1 July 1948). Furthermore, the Council's submission also claims that the proposal would result in a floorspace increase of 46% above the original building, when added to the existing outbuilding. I have no reason to dispute the Council's calculations.
17. In view of the above, the appeal proposal would not adhere to the figures detailed within the SPD. I acknowledge that the SPD is a guide only, nonetheless I conclude that the proposed extensions, which would increase the volume and floorspace of the original building by 46%, when taken in combination with the existing outbuilding, would result in disproportionate additions over and above the size of the original building.
18. To that end, the proposal would be inappropriate development in the Green Belt, conflicting with the Green Belt protection aims of the Framework and Policy GB1 of the LP. Inappropriate development is, by definition, harmful to the Green Belt.
19. In coming to this view, I have had due regard to the appellant's reference to the appeal site being located within parcel CR6 of the Council's Greenbelt Assessment (2016), and that parcel CR6 is identified as making a weak contribution to the wider Green Belt. I have not been provided with a copy of this document, nonetheless, national and local policies do not take into account the quality of the contribution a site, or wider parcel, makes to the Green Belt as a whole when assessing whether or not a proposal would be inappropriate development in the Green Belt.

Openness

20. The Framework emphasises that a 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. Openness has spatial as well as visual aspects.

21. The existing dwelling has a single-storey, flat roofed element to the side. The proposed first-floor extension above would increase the size and massing of the building on this side of the dwelling and would be visually more prominent than the existing single-storey section.
22. Furthermore, the proposed two-storey projecting feature at the front would replace an existing single-storey porch. This proposed feature would have a larger footprint and be considerably taller and more prominent than the existing porch. As such, the proposed first-floor side extension and two-storey projecting feature to the front of the dwelling would both have an impact on the visual openness of the Green Belt.
23. In regard to spatial openness, the proposed first-floor extension would not increase the footprint of the building, however it would increase the size and scale of the dwelling. Moreover, the proposed two-storey front extension would have a larger footprint than the single-storey porch it replaces. In this regard the proposal would also have an impact upon the spatial openness of the Green Belt.
24. Whilst the dwelling is set back from New Lane, the proposed developments would be visible from this highway above the boundary treatment to the front. I acknowledge the appellant's comment on the existence of other two-storey properties on the opposite side of New Lane, however the openness of the Green Belt is clearly evident on the appeal property's side of this highway and the wider area to the south and east.
25. In view of the above the appeal proposal would increase the volume, massing and footprint of the existing building and in doing so would result in a harmful loss of visual and spatial openness, albeit given the scale of the development I consider this harm would be limited. Nevertheless, the proposal would not preserve the openness of the Green Belt, thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework. This harm would be in addition to the inappropriateness of the scheme.

Character and appearance

26. As detailed earlier, according to the appellant's submission the appeal dwelling dates back to 1825 and is believed to be the first dwelling constructed in Croft. The dwelling has a simple and traditional pitched roof design, and a modest front porch. The existing flat roofed single-storey side projecting feature does slightly reduce from the traditional character of the original dwelling, however its modest height results in this existing section appearing as a subservient feature which does not unduly dominate or harm the host property. As such, the existing dwelling currently makes a positive contribution to the character and appearance of the street scene and area in general.
27. The dwelling sits on the southern side of New Lane and as a result of its age, style, plot size and set back from this highway, appears detached and separate from the more modern row of suburban houses on the opposite side of the highway. The contrast between the appeal property and the dwellings on the northern side of New Lane is only exacerbated by the largely open land situated on the southern side of New Lane, which provides a rural appearance on this side of the highway.
28. The proposed first floor side extension would infill the area above the existing ground floor element to the side of the property. However, with its position set

flush with both the front and rear elevations of the main dwelling, and its ridge height matching that of the existing dwelling, this extension would compete with and detract from the original modest and traditional character of the property, fundamentally altering its original massing and form.

29. Furthermore, the proposed modern designed two-storey front extension, with high levels of glazing, would be at odds with the traditional appearance and proportions of the original building, and would disrupt the eaves level in the front elevation of the existing dwelling. This modern two-storey front extension would be a prominent and dominant feature that detracts from the traditional qualities of the host dwelling.
30. Overall, the proposed extensions would result in the appeal property having a more modern and suburban design, which is at odds with its existing traditional and simple appearance. The proposal would therefore be detrimental to the character and appearance of the host property and the street scene.
31. In coming to the above view, I acknowledge that the appeal property does not have its original windows or roof covering, however the traditional shape, form and design of the original property are still evident and these would be lost as a result of the appeal proposal.
32. The appellant has commented that the appeal dwelling is not listed as a significant heritage asset or a listed building. Nevertheless, for the reasons given earlier I consider that the appeal property, in its present form makes a positive contribution to the character and appearance of the street scene.
33. My attention has been drawn to the varied house types located on the opposite side of New Lane. Whilst each application must be judged on its own merits, the appeal property is of a much more traditional design, and a considerably older building, in comparison to these more recently built dwelling opposite.
34. Furthermore, for the reasons detailed above, the appeal property appears detached and separate from the more modern suburban houses located on the opposite side of the highway. As such, the existence of the more modern dwellings on the northern side of New Lane do not set a precedent for the appeal proposal, which relates to a very different house type and design, within a considerably larger plot which is principally surrounded by open land.
35. I therefore conclude that the proposal would cause moderate harm to the character and appearance of the host property and the surrounding area. The proposal therefore conflicts with Policy DC6 of the LP which seeks to ensure, among other things, that good design should be at the core of all development proposals by making a positive contribution to local character and distinctiveness within the surrounding area.

Bats

36. Policy DC4 of the LP states that proposals which may adversely affect the integrity or continuity of habitats or species of local importance will only be permitted if it can be shown that the reasons for the development can clearly outweigh the need to retain the habitats or species affected. This policy also states that all development proposals affecting protected species should be accompanied by information proportionate to their nature conservation value and proposals must also be supported by a Preliminary Ecological Appraisal.

37. The application is accompanied by an Ecology Statement (Dated 19/04/2023) (ES), however this ES only considers the potential impacts of the appeal proposal on any amphibians that may use a nearby pond. The ES has therefore not given any consideration as to the potential impact of the appeal proposal on other species including bats and birds.
38. The Council's Ecological Advisor states that any potential impact upon birds could likely be dealt with via a planning condition. However, they also advise that because the development will result in significant disturbance to the existing roof, a bat assessment should be undertaken prior to determination.
39. Given the semi-rural nature of the appeal site, along with the nearby pond and trees, and the aforementioned works to the roof of the dwelling, I conclude that a bat survey is required in order to establish if there are any potential impacts upon protected species in this area prior to determination of this proposal.
40. I appreciate the appellant's comments that the Council never requested this survey, and one would have been undertaken if advised of such. Nevertheless, this does not alter my view that such a survey is required prior to determination of this proposal.
41. Consequently, in the absence of a suitable survey to establish the potential impacts of the proposed development on protected species, specifically bats, the appeal proposal is contrary to Policy DC4 of the LP which requires, among other things, that all development proposals affecting protected species should be accompanied by information proportionate to their nature conservation value. Given the scale of the proposed development I attribute moderate harm to this matter.

Other Considerations

42. I note the appellant's comments that the current proposal has been amended and reduced in comparison to a previously refused application at this site. However, the appeal proposal must be judged on its own merits and in accordance with the relevant policies and guidance. As such, this matter is a neutral factor in the determination of this appeal.
43. I accept that the appeal proposal would not have an undue impact upon the living conditions of neighbouring occupiers, however again this is a neutral matter that does not weigh in favour of the appeal scheme.
44. I acknowledge the appellant's aims to modernise and extend the property, and achieve a more practical internal accommodation layout. However, I have limited evidence that the appeal proposal is the only means to achieve these aims. This matter therefore carries limited positive weight in favour of the appeal proposal.
45. Economic benefits would arise from the construction of the development. These however would be short term benefits and given the scale of works involved I attach limited positive weight in respect of the economic benefits.

Green Belt Balance

46. The proposal constitutes inappropriate development in the Green Belt and results in limited harm to openness. By virtue of paragraph 153 of the Framework this harm attracts substantial weight. The proposal also results in moderate harm to

the character and appearance of the area, and could potentially impact upon protected species, specifically bats, to which I also attribute moderate harm.

47. The Framework makes it clear that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, must be clearly outweighed by other considerations for planning permission to be granted. In this case, I find that although there are matters which provide limited weight in favour of the appeal, the weight of these other considerations does not clearly outweigh the totality of the harm arising to the Green Belt, the character and appearance of the area and the potential impact upon protected species.
48. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

49. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

R. Major

INSPECTOR