



Appeal Decision

Site visit made on 25 June 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2024

Appeal Ref: APP/M4320/D/24/3337988

3 Lunt Road, Sefton L29 7WB

- 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 S Proffitt against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2023/01653.
 - The development proposed is the erection of a dormer extension with a balcony to the rear of the dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form, with the exception of the reference to retrospective as it is not an act of development.
3. In situ at the time of my visit, the dormer extension is retrospective. Although appearing to accord in overall size and position with the submitted plans, there are deviations regarding the fenestration treatment and position.
4. Nevertheless, I am satisfied that there is sufficient detail on the supplied drawings, to properly assess the impact of the proposal in relation to the main issues. I am required to assess the development as proposed and not as built on site. The appeal has been determined accordingly.

Main Issues

5. The main issues in this appeal 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 on the openness of the Green Belt;
 - The effect on the character and appearance of the area, including the Lunt Village Conservation Area (LVCA); and
 - Whether the 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

Inappropriate Development

6. Paragraph 154 of the Framework indicates that other than in connection with a small number of exceptions, the construction of new buildings should be

regarded as inappropriate in the Green Belt. 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, is one of the exceptions (154c). The Framework does not define a disproportionate addition.

7. Policy MN7 of A Local Plan for Sefton (LP) 2017 and the House Extensions Supplementary Planning Document (SPD) 2023 set out how the Council will apply and interpret the requirements of national Green Belt policy. They state that proposals to extend the original building by more than one third volume, either individually or cumulatively with other extensions will be considered disproportionate and therefore, inappropriate in the Green Belt.
8. Whether or not the Council has previously permitted other extensions at the appeal site that already exceed the MN7 Policy requirement, does not automatically justify more¹. The phrase 'in general' would apply to most cases and I have not been directed to any guidance to suggest that the policy would not be applicable here. When considered in combination with the previous extensions, the proposed dormer would result in a 72.5% increase in volume above that of the original dwelling².
9. Although relatively small scale in itself, and not increasing the footprint or overall height of the host dwelling, the proposed dormer extension would increase the amount of built form at the appeal site. It would also be a sizeable and boxy addition to the hipped roof, such that it could not be described as being proportionate to the section of the dwelling it relates to. In light of the significant departure from the volume permissible under Policy MN7 of the LP and the additional bulk that the proposal would add to the dwelling, it is clear that the extension would be cumulatively disproportionate.
10. Consequently, the proposal would be inappropriate development in the Green Belt. It would conflict with Policy MN7 of the LP and would not meet the exception for development set out in paragraph 154c) of the Framework.

Openness

11. Paragraph 142 of the Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension.
12. The erection of a new extension to a dwelling, would result in a spatial loss of openness to the Green Belt, albeit limited due to the scale of development. Although located predominantly to the rear, the proposed dormer would due to the hipped roof, be partially visible from within the street scene and Lunt Road on the opposite side of the wide verge. The increased bulk and mass would also be apparent from the rear gardens of adjacent dwellings.
13. Consequently, the proposal would result in limited harm to the spatial and visual openness of the Green Belt that would endure for the lifetime of the development. Conflict is therefore found with paragraph 142 of the Framework.

Character and appearance

14. In accordance with the duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special

¹ The appellant suggests that the previously approved 2-storey side and single storey rear extensions amount to a 68% increase in volume to the original dwelling as set out at paragraph 4.14 of the appellant's statement of case.

² As set out in the Council's email dated 17 June 2024 and is undisputed by the appellant.

attention to the desirability of preserving or enhancing the character or appearance of the LVCA.

15. The LVCA is characterised by a loose arrangement of pre-war rural buildings to the north-east and a 1950's former Council built estate, located within a rural setting including agricultural land, village green and spacious verges framed by hedgerows. It is this spatial and historical composition that shapes the significance of the LVCA.
16. The 1950's estate consists of 2-storey semi-detached and terraced dwellings that have a consistent building line and architectural style, with simple hipped and gabled roof forms providing a degree of uniformity that minor variations of house types and recent alterations and single storey extensions do not affect significantly. As a semi-detached dwelling, the appeal site makes a positive contribution to the LVCA.
17. Despite sitting slightly below the ridge of the main roof, the proposed dormer would be large, filling the entire rear roof slope and extending onto the roof of the side extension, with little space remaining to the eaves. Its box-like form and elevated position would result in a top-heavy and dominant feature, such that it could not be considered as subordinate to the original roof form. Furthermore, it would jar with the simple, unextended roof forms of the estate dwellings that are characteristic of the LVCA.
18. The proposed dormer would have an awkward arrangement overlapping the hipped roof above the side extension. This along with its large scale, would render it visible from within the street scene, albeit in relatively localised views and at an oblique angle, as well as from within Lunt Road to the south-east. Private views from the dwellings to the north-west would also be possible. Neither the use of sympathetic materials nor consideration of the estate as forming a suburban enclave,³ would mitigate the harmful impact of incongruous development that fails to take account of the host dwelling or its surroundings.
19. Consequently, the proposal would cause harm to the character and appearance of the host dwelling and surrounding area. For these reasons, the development would not preserve or enhance the character or appearance of the LVCA and conflict is found with policies HC4, NH9 and NH12 of the LP. These policies seek to protect the significance of Sefton's heritage asset's including the simple rural character of village conservation areas, such as Lunt. Additionally, it would not comply with the provisions in the Framework which seek to sustain and enhance the significance of heritage assets.
20. With reference to paragraphs 205 and 206 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the scale and localised impact of the proposal, the harm would be 'less than substantial' but nevertheless important, given the harmful effect on the character and appearance of the LVCA. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, a matter to which I will return later in this decision.

Other Considerations

21. No specific 'very special circumstances' have been advanced by the appellant⁴. Whilst no reference to the appellant's personal circumstances have been

³ As described within section 4.1 of the Lunt Village Conservation Area Appraisal and Management Plan (2024) and referred to in paragraph 4.22 of the appellant's statement of case.

⁴ Paragraphs 4.12, 4.19 and 5.4 of the appellant's appeal statement.

advanced during the appeal process, the Council's evidence indicates that the proposed dormer extension is required to allow a disabled family member to live in the dwelling with the appellant.

22. Therefore, I have had regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic such as disability, and people who do not share it.
23. In the absence of any detailed information regarding a specific medical condition, it is not clear how the proposed dormer would facilitate accommodation for a disabled person, given its access via 2 flights of stairs. The reconfiguration of the dwelling would result in a more spacious layout, but there would not be a net increase in bedrooms to accommodate additional family members. The provision of living accommodation suitable to meet the needs of a disabled person does not therefore appear to be inherently reliant on the scheme before me. Carefully considered, the insufficient evidence before me is such that this matter attracts only limited weight.
24. The Council's SPD advises that in rare cases, very special circumstances to justify exceeding the one third volume additions to dwellings may be demonstrated if a site is in a village 'washed over' by Green Belt. It is not clear that this would be a rare case. Even if it were, exceeding the policy requirement would cause material harm to the character and appearance of the dwelling and the LVCA, and the openness of the Green Belt from the specific development proposed.

Balance and Conclusion

25. I have found that the proposal would be inappropriate development in the Green Belt, which is by definition, harmful and should not be approved except in very special circumstances. Harm would also be exerted on the openness of the Green Belt. In line with paragraph 153 of the Framework, I give this harm substantial weight.
26. Similarly, I have found that the proposal would result in harm to the character and appearance of the area, including less than substantial harm to the significance of the LVCA. I give this harm considerable importance and weight. No public benefits have been presented.
27. Having regard to the other considerations set out above and the limited weight that can be attached in favour of the proposal, it would not clearly outweigh the substantial weight which must be given to Green Belt harm and any other harm. Therefore, the very special circumstances required to justify the proposal do not exist.
28. Accordingly, for the reasons given above, the appeal is dismissed.

M Clowes

INSPECTOR