



Appeal Decision

Site visit made on 22 July 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2024

Appeal Ref: APP/M0655/D/24/3340423

Dennow Cottage, Firs Lane, Appleton, Warrington WA4 5LF

- 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 Mark Smith against the decision of Warrington Borough Council.
 - The application Ref is 2023/01180/FULH.
 - The development proposed is part first floor extension at rear and raising of the roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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; 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

Whether inappropriate development

3. The appeal relates to a detached, two-storey, pitched roof dwellinghouse situated within land designated as Green Belt. The submissions detail that the dwelling has been extended and altered with single and two storey extensions, and to the front of the property is a detached, triple garage situated at a lower land level than the dwellinghouse.
4. The proposal seeks to extend the appeal property with a first-floor extension above an existing single-storey section to the side / rear of the dwelling, as well as increasing both the eaves and ridge heights of the existing property. A first-floor balcony would also be added to the side of the dwelling.
5. 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.

6. 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.
7. 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.
8. 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 section of the 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. The SPD does also make reference to footprint and height being considerations in terms of the design and character of the area.
9. With regard to the term 'original building', this 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.
10. The appellant's submission states that the dwelling was constructed between 1899 – 1911, and acknowledges that the originally constructed building has been extended and altered on numerous occasions with single and two-storey extensions. However, the appellant's submissions provide limited information and detail as to when these various extensions, and the detached garage, were constructed, with the exception of the reference to a single-storey orangery extension approved under a planning application dated 2015¹.
11. Furthermore, the appellant's submission does not provide floorspace or volume calculations of the original building as it existed in July 1948, or the floorspace and volume calculations of the existing detached garage.
12. The Council's submission however states that the historic mapping from 1910 shows a modest sized cottage with a floor area of circa 160 square metres (sqm) based on a two-storey property. The Council also state that the 1960's OS map shows the same size dwelling, with the addition of an outbuilding in the same location as the current garage. Furthermore, the Site History section of the Council's Officer Report refers to an approval² in 1984 for "*Proposed lounge extension with bedroom over*", as well as the aforementioned orangery extension from 2015.

¹ LPA Ref: 2015/27163

² LPA Ref: 84/15663

13. The Council therefore contend that it is reasonable to interpret that the floorspace of the original building, as it existed on 1 July 1948, was approximately 160sqm and without any evidence to the contrary, I have no reason to dispute this. The Council also state that the appeal proposal would result in the dwelling having a floorspace of approximately 260sqm and on the evidence before me I consider this to be an accurate assessment.
14. On the above basis, an increase in floorspace from the original building (approx. 160sqm) to the proposed extended building (approx. 260sqm), would represent a circa 62% increase in floorspace. This figure significantly exceeds the 33% allowance detailed within the SPD.
15. Additionally, it has not been demonstrated that the detached garage was constructed before July 1948. Therefore, when including this outbuilding in the proposed calculations, as required by the SPD, the total increase in floorspace would, according to the Council, be approximately 109% above that of the original building.
16. In view of the above, regardless of whether or not the existing detached garage is included within the proposed floorspace calculations, the appeal proposal would not adhere to the figures detailed within the SPD in relation to floorspace increase. I acknowledge that the SPD is a guide only, nonetheless, on the evidence before me I conclude that the proposed extension, when combined with previous extensions at this property, would result in disproportionate additions over and above the size of the floorspace of the original building as it existed on 1 July 1948.
17. As mentioned earlier, I have not been provided with details of the volume of the original dwelling, as it existed on 1 July 1948. As such I am unable to make any calculations in respect of the percentage increase in volume arising from the appeal proposal, in combination with other extensions that have taken place at the appeal property, in comparison to the original building.
18. Nevertheless, given the aforementioned evidence before me, including the submitted plans and the significant increase in floorspace, I find that the increase in volume above the original building would also be disproportionate.
19. I therefore conclude that the appeal scheme would result in disproportionate additions over and above the size of the original building. 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.

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 / rear corner. The proposed first-floor extension above would increase the overall size and mass of the building on this side. Furthermore, the raising of both the eaves and ridge heights of the property would increase the height and bulk of the dwelling, resulting in it being more visually prominent than the existing building.

As such, the proposed first-floor extension and the raising of the eaves and ridge heights would both have an impact on the visual openness of the Green Belt.

22. In regard to spatial openness, the proposal would not increase the footprint of the building, however it would increase the overall mass, scale and height of the dwelling. In this regard the proposal would also have an impact upon the spatial openness of the Green Belt.
23. In view of the above the appeal proposal would increase the volume, height and massing 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.

Other Matters

24. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
25. The appellant has drawn my attention to a previous approval³ at the appeal site for a replacement dwelling, stating that this would be similar in volume to the appeal dwelling as proposed to be extended. The appellant's submission however details that this previous permission was never commenced and it has therefore now lapsed. Consequently, this previous approval does not represent an implementable fallback position for the appellant.
26. In any case, the previous application was for a replacement building whereas the appeal proposal is for alterations and extensions to an existing building. The previous application therefore related to a different proposal which was considered against a different criterion (d) within paragraph 154 of the Framework. I cannot therefore draw any direct comparisons between the previously approved application and the current appeal proposal, which must be considered against the specific wording and requirements of criterion (c) within paragraph 154 of the Framework. Furthermore, I am not bound by a previous decision of the Council, and I have exercised my own planning judgement on the appeal proposal against the relevant local and national policies before me.
27. In view of the above, I attribute limited weight to the expired application for a replacement dwelling in favour of the appeal scheme.
28. The appellant has commented that the existing design of the dwelling is unusual, referring to, among other things, its shallow roof, its unorthodox overhang with exposed rafter feet and purlins, and the eaves being located midway between the first-floor windows. The appellant therefore contends that the proposal would improve the design of the dwelling.
29. Based on my observations on site I found that the existing dwelling was a characterful property in keeping with the rural nature of the surroundings, with

³ LPA ref: 2014/24366

the overhanging eaves representing an interesting feature. As such I do not find that the existing design of the dwelling is harmful to the character and appearance of the area. Equally I find that the proposed dwelling would be of an acceptable design within this locality. Consequently, the design alterations arising from the appeal proposal would be a neutral matter that neither weights in favour, nor against, the appeal scheme.

30. I acknowledge the appellant's aims to increase daylight and increase space at first floor level. 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.
31. 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

32. 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.
33. 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 identified above.
34. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

35. 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