



Appeal Decision

Site visit made on 24 September 2024

by S. Hartley BA (Hons) Dist.TP (Manc), DMS, MRTPI, MRICS

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal Ref: APP/W4325/D/24/3347385

Meadowdale, Storeton Lane, Barnston, Wirral, CH61 1BU

- 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 P. Massie against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APPH/24/00447.
 - The development proposed is a first-floor rear extension and the rendering of an existing extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 30 July 2024 the Government began consultations upon reforms to the National Planning Policy Framework (the Framework) which closed on 24 September 2024. The reforms are draft and may be subject to change and therefore I afford the draft changes only limited weight in the decision-making process. As there are no proposed reforms which are pertinent to the main issues in this appeal, it has not been necessary for me to consult the main parties upon it.
3. The local planning authority (LPA) has referred to its emerging Wirral Local Plan 2021-2037, but which has not yet been formally adopted. Consequently, I can only afford it limited weight in the decision-making process.

Main Issues

4. The appeal property is located within the Green Belt.
5. The main issues are therefore (i) whether the proposed extension is inappropriate development within the Green Belt including its effect upon openness, and (ii) if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify development.

Reasons

Whether inappropriate development

6. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 154 makes it clear that, other than in

specified circumstances, new buildings are inappropriate development. One of the exceptions to this is paragraph 154(c) which permits 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. However, the Framework includes no definition, volumetric or otherwise, as to what constitutes disproportionate additions.

7. Policy GB2 of the Wirral Unitary Development Plan 2000 (UDP) states that there is a general presumption against inappropriate development in the Green Belt and such development will not be approved except in very special circumstances. However, an exception is made for the *'limited extension, alteration or replacement of existing dwellings, subject to Policy GB4 and Policy GB5'*.
8. Policy GB4 is concerned with the replacement of existing dwellings in the Green Belt and so is not pertinent to the current appeal. Policy GB5, relating to the extension of existing dwellings in the Green Belt, states that such extensions will be permitted *'provided that the floorspace of the resultant dwelling is no more than 50% larger than that of the habitable floorspace of the original dwelling and subject also to the enlarged dwelling not having a harmful visual impact on its surroundings'*.
9. The LPA considers that the original dwelling has a baseline floor area of 202m² and that additions to it of approximately 119m² already exceed the 50% limit included in policy GB5. The appeal proposal would add about a further 65m².
10. The appellant considers that the existing garage, being detached from the host property, should not be included in the above calculations, and if it is removed from the assessment, then the existing extensions, plus what is now proposed, would result in an overall increase of approximately 66% upon the original habitable floorspace of the host property.
11. In my judgment the garage, owing to its position and relationship with the dwellinghouse, would be experienced as being a normal domestic adjunct, and as such, would be an extension to the existing dwellinghouse on the site. However, even if it were not to be the case, there is agreement between the parties that the proposed rear extension would exceed the 50% limit of UDP Policy GB4.
12. Therefore, I conclude that the size increase of the proposed development over that of the original habitable floorspace of the dwelling would be such as to amount to inappropriate development in the Green Belt, contrary to Policies GB2 and GB5 of the UDP and the Framework. This is a matter to which I afford substantial adverse weight in decision making terms.

Effect upon the openness of the Green Belt

13. Paragraph 142 of the Framework states 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'*.
14. The appeal proposal would be set back from the road and would be hidden from it and other public vantage points, though as the appellant concedes, it would be seen obliquely from the adjoining property. The courts have held that

openness has at least both a visual and a spatial component. The appellant has referred to several appeal decisions where openness has been assessed based on such issues. However, circumstances will inevitably vary from one site to the next, and in any event, I have determined the appeal based upon its individual circumstances.

15. I conclude that while there would be minimal impact visually, overall, there would be limited adverse impact upon openness when spatial and volumetric impacts are considered.

Other considerations

16. The appellant has suffered the recent loss of his wife and wishes to continue living in the family home by adding an extra bedroom which would allow his son and family to move in with him. However, the appellant acknowledges that he has no medical disability which might otherwise require me to consider the appeal with reference to Article 8 of the European Convention on Human Rights as incorporated into Human Rights Act 1998 as well as the Public Sector Equality Duty contained in the Equality Act 2010, even though I have very great sympathy for him.
17. The appellant has also referred to the availability to him of permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and has referred to other appeals where Inspectors have given weight to such an option. However, I have no lawful development certificate before me, nor any plans or other documentation to suggest that such an alternative is more than theoretical, nor can I be certain that any such permitted development would have a lesser impact upon openness. While I have taken into account the quoted appeal cases, I have determined the appeal upon the information before me relating to this particular case. Overall, I afford the fallback position limited weight in its favour.

Conclusion

18. While I have concluded that the proposed development would cause only limited harm to openness, it would nevertheless be inappropriate development within the Green Belt by reason of being a disproportionate addition over and above the size of the original building. I conclude that the totality of the harm caused to the Green Belt by reason of inappropriateness and the impact upon openness would not be clearly outweighed by any other considerations so as to amount to very special circumstances to justify development. There are no material planning considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR