

Appeal Decision

Site visit made on 25 October 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2024

Appeal Ref: APP/D0650/D/24/3346797

25 Hale Road, Hale, Liverpool L24 5RB

- 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 Hynes against the decision of Halton Borough Council.
 - The application reference is 24/00004/FUL.
 - The development proposed is an extension above existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; and if so, 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 necessary to justify the development.

Reasons

3. The proposal would result in a first floor extension above the existing flat roofed side addition. That addition was not original to the building. The appellant accepts that this proposal, together with the previous extension approved in 1979, would result in more than a 50% increase in the volume of the property.

Whether inappropriate development

4. Policy GB1 of the Halton Delivery and Allocations Local Plan 2022 (LP) advises that the construction of new buildings in the Green Belt is inappropriate but includes exceptions. Part (c) allows the extension of a building providing that it does not result in disproportionate additions over and above the size of the original building and that it is of an appropriate scale, character and appearance. It advises that an increase of up to 30% of the original building volume is considered an acceptable increase. This is generally consistent with the *National Planning Policy Framework 2023* although it does not specify a figure as to what represents a disproportionate addition.
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5. As the proposal would result in a combined overall increase in volume substantially greater than the original and would represent a percentage increase well in excess of that considered to be acceptable by policy GB1, it would represent inappropriate development in the Green Belt.

Any other harm

6. Although not increasing the current footprint, the greater scale of development would result in a limited reduction in openness.

Other considerations

7. The property lies within the conservation area. It is made up of the linear development of large properties, in spacious grounds, along Hale Road. Although screened to a large extent by trees and vegetation, the house and its garden are key components of the conservation area and make a positive contribution to it. The existing side extension detracts from the character and appearance of this large thatched roofed dwelling. The proposal would eliminate the flat roof element and replace it with a thatched roof to match the dwelling, above the additional first floor accommodation.
8. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This proposal would enhance the character and appearance of the property and despite its limited wider visibility, it would also, to a limited degree, enhance the character and appearance of the conservation area.
9. Permission was granted in 2002 for an extension of matching proportions. The council's report suggests that that decision was an oversight. Although the decision pre-dates the *Framework*, national Green Belt policy remains relatively unchanged in this regard. The council do not state whether it was considered that the development was inappropriate at that time or whether there were very special circumstances that justified it. It is also not indicated what the local policy was at that time and whether it has changed, specifically with regard to setting out what may represent inappropriate development. Although this is a decision of considerable age, I give considerable weight to it, given that it appears that there is an unexplained inconsistency with regard to the two decisions, particularly in relation to national policy.
10. It is suggested that the proposal would not result in unacceptable harm to the Green Belt as it would not increase the footprint of development, increase urban sprawl or lead to settlements merging. It would also not involve any further encroachment into the countryside. It would make better use of previously developed land and it would be of an improved design. It is also suggested that it would be of a lesser scale than could be achieved by utilising permitted development rights.
11. The appellant has made reference to other cases in the area suggesting that they exceeded the 30% increase referenced in the LP. I do not have full details of these, other than some limited information with regard to 15 Baileys Lane, Hale Heath, Liverpool. I cannot assume that the circumstances are entirely consistent and in any event, I must consider this proposal on its own merits.

Conclusions

12. The LP and the *Framework* are clear that inappropriate development is, by definition, harmful to the Green Belt and inappropriate development should not be approved except in very special circumstances.
13. I have had regard to all the considerations put forward, particularly the improvements to the character and appearance of the dwelling and the conservation area. The previous decision, although of some age and despite the newly adopted local policy, also offers significant weight in its favour given the consistency of national policy. Although there would be a reduction in openness, this would not be great and generally, the scale of the harm to the Green Belt and its purposes would be limited. The availability of permitted development rights is also a consideration.
14. The *Framework* is clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Despite these particular circumstances, the considerations put forward, when taken together, would not clearly outweigh the harm from inappropriateness and the reduction in openness. They do not therefore represent the very special circumstances that are necessary to justify the development.
15. I conclude that although the proposal would be acceptable in many respects and would offer a number of benefits, it would be contrary to LP policy GB1 and the specific policies of the *Framework*, relating to the Green Belt, that indicate that the development should not be approved. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR