



Appeal Decision

Site visit made on 18 February 2025

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/D0650/W/24/3350591

62 Church Road, Hale, Widnes L24 4BA

- 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 and Mrs Hines against the decision of Halton Borough Council.
 - The application Ref is 23/00194/FUL.
 - The development proposed is internal reconfiguration of existing dwelling and part double, part single storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the appeal site from the application form. Although different to that on the decision notice, I am satisfied there is no ambiguity as to the geographical location of the site.
3. Additional information was submitted by the appellant during the appeal in support of their fallback case. The information relates to details of a Lawful Development Certificate (LDC)¹ and Prior Approval (PA)² both of which have been issued by the Council for extensions to the appeal property since the appeal was submitted. The information does not alter the nature of the proposed development and the Council and interested parties had the opportunity to comment upon it during the appeal process. I am therefore satisfied that no prejudice would occur to any party as a result of my consideration of the recent permissions and have determined the appeal on that basis.
4. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. However, as those parts of the Framework that are material to this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;

¹ LPA Ref: 24/00253/PLD

² LPA Ref: 24/00356/PDE

- The effect of the proposal on the openness of the Green Belt; and,
- If the development is inappropriate, 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

Whether inappropriate development

6. Paragraph 154 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, but it sets out a number of exceptions. This includes at 154(c) 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. Original building is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as originally built.
7. Policy GB1 of the Halton Delivery and Allocations Local Plan, adopted March 2022 (the Local Plan) sets out the types of development that would not be inappropriate development in the Green Belt, and these largely reflect those set out in paragraph 154 of the Framework. A footnote to Policy GB1 1c states the increase in the size of a building by up to 30% of the original building volume is considered an acceptable increase and that the original building does not include separate detached outbuildings.
8. The proposal includes a part two storey/part single storey rear extension, a two-storey side extension and a flat-roof dormer above an existing garage to the other side elevation of a two storey detached dwelling.
9. There is agreement between the main parties that the proposed extensions, when taken cumulatively with previous extensions and even accounting for the partial removal of a previous extension, would amount to an 116% increase in volume when compared to the original dwelling. I have no reason to dispute this figure. Even if the Council do not explicitly state in Policy GB1 of the Local Plan that an increase in the size of the original building by more than 30% would be unacceptable, the size of the original dwelling would be more than doubled.
10. However, the use of a numerical measure alone would be an over prescriptive approach to matters of proportionality. Accordingly, a conclusion on this matter cannot be arrived at purely on a mathematical calculation as a single factor as the test is primarily an objective one based on size, as referenced by the Framework. Size could reasonably be taken to include, not only volume, but such factors as height, external dimensions and visual perception.
11. In this case, from the applicant's calculation, the proposal would almost double the footprint of the original dwelling. Although the rear garden is a considerable length and there would be limited overall building to plot coverage, the outward projection of the rear extension towards the garden, particularly at first floor, would be significant. It would extend notably beyond the rear building line of adjacent properties. Overall, the property would be extended on three sides. When taken together with the increase in visual bulk brought about by the mass of the two storey side extension and the addition of a large dormer above the side garage, it is clear that the proposal would demonstrably increase the scale of built

development on the site. Consequently, I find the proposal cannot be described as proportionate to the size of the original building.

12. From the information before me and observations at my site visit and given the scale of the proposal when considered in the context of the already extended property and even though it is located within a ribbon of development, the proposal would amount to a disproportionate addition. It would not meet the exception criteria in paragraph 154 (c) of the Framework.
13. The appellant draws my attention to the text of paragraph 151 (g) of the draft Framework issued in July 2024 which incorporates changes to Green Belt policy in respect of previously developed land. The appellant argues it provides a more relaxed approach to development in the Green Belt. The draft wording was incorporated into an updated version of the Framework in December 2024 at paragraph 154 (g). In summary, this exception notes that development in the Green Belt is inappropriate unless it is a proposal for limited infilling or the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt.
14. While case law has established that residential garden land *outside* a built-up area can be regarded as previously developed land³ the question of whether a particular residential garden falls within or outside a built-up area for this purpose is a matter of planning judgement. Furthermore, the definition in Annex 2 of the Framework does not specify the scale of built-up area which is relevant.
15. The appeal site is located within a row of dwellings on the fringe of the semi-rural village of Hale. Although there are fields behind dwellings on either side of Church Road, there is nevertheless a linear concentration of development which clearly forms part of the village. I saw there is a coherent built-up character to the part of the village where the appeal site is located even though it is within the Green Belt. On that basis, drawing on the evidence before me, I am satisfied that the appeal site is located in a built-up area for purposes of the definition in Annex 2. Consequently, the residential garden at the appeal site is excluded from the definition of previously developed land and the development does not benefit from the provisions of paragraph 154 (g). Even if the site was previously developed land, because only an existing single storey extension would be replaced and the rest of the dwelling would be retained, the proposal would not involve partial or complete redevelopment.
16. To conclude, based on the evidence and information provided, the proposal would result in a disproportionate addition to the size of the original building. It would fail to meet any of the exceptions set out in Policy GB1 of the Local Plan or by paragraph 154 of the Framework and would therefore be inappropriate development, which is, by definition, harmful to the Green Belt.
17. In the decision notice, the Council also refers to Policy RD3 of the Local Plan. As this policy relates to development outside the Green Belt, I do not consider it determinative in my consideration of this appeal.

³ Dartford BC v SSCLG and Ors [2017] EWCA Civ 141

Openness

18. The Framework at paragraph 153 states that substantial weight is given to any harm to the Green Belt, including harm to its openness. A fundamental aim of Green Belt policy, as set out by the Framework, is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness in Green Belt terms has both a spatial and visual dimension.
19. While the proposed side extensions would be visible from Church Road, they would be seen within a ribbon of existing dwellings. Furthermore, due to the distance between the site and the Public Right of Way along the coastal path to the south-west, any obtainable views of the proposed extensions from here would be long-distance and glimpsed within the context of a cluster of buildings. Taking the above into account, the visual harm to openness as a result of the proposal would be limited.
20. Regardless of its public visibility, there would be a sizable and noticeable increase in the scale of the appeal dwelling and thus the level of built development which would diminish Green Belt openness in spatial terms to a limited degree.

Other considerations

21. Paragraph 153 of the Framework sets out that inappropriate development in the Green Belt should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
22. The appellant obtained an LDC for a two storey rear extension and PA for a single storey rear extension at the property in September 2024 and October 2024 respectively. The submitted plans indicate that cumulatively they would provide a similar amount of accommodation to the appeal proposal. It is clearly evident that the appellant wishes to extend and alter the existing property. If I was minded to dismiss the appeal, I am satisfied that there is a reasonable likelihood that such extensions would be implemented and can therefore be considered a realistic fallback position.
23. However, for significant weight to be afforded to a fallback position, there needs not only to be a reasonable prospect of it being carried out, but it would also need to be more harmful than what would be allowed by the scheme for which permission is sought.
24. It would be physically possible that both the LDC scheme and the PA scheme could be implemented. Cumulatively, the resulting development would add a considerable volume and footprint of built form to the site. However, the LDC scheme would incorporate a two-storey rear extension that would not project as far from the main rear elevation of the property at first floor level as the appeal scheme. Indeed, the proposed first floor rear extension would be almost double the outward projection of the LDC scheme. While the PA scheme would result in a single storey rear extension of a similar projection as the appeal scheme, it would not extend across the full width of the property.

25. I acknowledge that the appeal scheme would not be built as close to the boundary with 60 Church Road (No 60) than that approved under the PA scheme. However, the appeal proposal would include a large dormer above the existing garage, close to the boundary with No 60, and a two storey extension on the side elevation closest to 64 Church Road, thereby increasing the overall width of the appeal property.
26. Even if both the LDC and PA schemes were implemented, the resultant volume and floorspace would be significantly less than the appeal scheme. Because the first-floor element of the appeal proposal would project further towards the rear garden, and other elements of built form would be introduced to the existing dwelling at first floor level, the overall massing associated with the appeal proposal would have a greater adverse impact on spatial and visual openness than the fallback schemes, even when taken cumulatively. Accordingly, the fallback position attracts limited weight.
27. The appellant has also referred to further possible fallback positions that have not been secured by specific permissions but could be constructed using permitted development rights⁴. In this regard, I recognise the supporting text to Policy GB1 of the Local Plan seeks that development is focused on less conspicuous parts of a site or that a sprawl of buildings is prevented in favour of a single, cohesive development.
28. The use of permitted development rights would have the potential to result in considerable amount of built development within the garden of the existing house or attached to it. Depending on the position of such buildings, this would have the potential to result in a greater harm in spatial and visual openness terms within the appeal site in comparison to the appeal scheme. Be that as it may, there is little evidence before me to support this claim. Therefore, I cannot be sure that other fallback positions would have a greater than theoretical possibility of being implemented in order to be a realistic or probable alternative or that they would be more harmful than the proposal before me. This option therefore attracts little weight.

Other Matters

29. The proposed extensions would be sympathetically designed in terms of materials and external appearance. The officer report acknowledges that the proposal would cause no other harms and would not breach relevant policies unrelated to the Green Belt. However, that is an expectation of local and national planning policy and as such is a neutral matter rather than a positive factor that weighs in favour of the proposal.
30. In support of the proposal, the appellant has drawn my attention to extensions to other dwellings along Church Road that have been granted planning permission by the Council. I note the extensions at 40 Church Road⁵ (No 40) relate to a two-storey side extension, single storey rear extension and rear dormer. The appeal property already incorporates a two-storey side extension and, using the appellant's figures, the proposed extensions would add a further 30% increase in volume to the property over and above the 84% that was approved at No 40.

⁴ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

⁵ LPA Ref: 16/00141/FUL

31. The example at 17 Church Road⁶ (No 17) does not include a two storey rear extension, therefore the form of the extensions is different to that proposed in this appeal. Furthermore, the proposed extensions to the appeal dwelling would add a greater increase in volume to the original dwelling than was permitted at No 17. From the information provided, the examples set out at 30 and 60 Church Road⁷ are of significantly less volumetric increases than the appeal proposal.
32. I note the approaches taken by the Council in the above cases, including that the developments at No 40 and No 17 resulted in a sizeable coverage of the plot. Nonetheless, from the information available to me, these cases are not sufficiently similar to the appeal before me to weigh in its favour. In any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance

33. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. There is also a small reduction in openness.
34. Having taken account of all considerations raised in support of the proposal, I find that, in this case, they do not clearly outweigh the harm that I have identified. As such, other considerations amounting to very special circumstances sufficient to outweigh the harm to the Green Belt do not exist.

Conclusion

35. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that indicate otherwise.
36. Therefore, I conclude that the appeal is dismissed.

A Veevers

INSPECTOR

⁶ LPA Ref: 18/00003/FUL

⁷ LPA Refs: 21/00339/FUL and 06/00409/FUL respectively