



---

## Appeal Decision

Site visit made on 12 August 2025

**by Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 8 September 2025**

---

**Appeal Ref: APP/W4325/D/25/3363784**

**Thatches, Shore Road, Caldý, Wirral CH48 2JL**

- 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 Philip Griffin against the decision of Wirral Metropolitan Borough Council.
  - The application Ref is APPH/24/01689.
  - The development proposed is demolition of existing conservatory and erection of single-storey rear extension with first-floor level roof terrace.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Wirral Local Plan 2022-2040 (LP) was adopted on 31 March 2025 following the Council's decision on the appeal proposal. The policies of the LP now carry full weight and have superseded those within the Wirral Unitary Development Plan (UDP) that were referred to in the Council's decision notice. Accordingly, I have considered the appeal proposal against the relevant policies of the LP, which I am advised are Policy WS 1, WD 5 and WD 23, on which both parties have had the opportunity to comment during the appeal process.
3. My attention has been drawn to a previous appeal decision that allowed a two-storey extension to the appeal premises. I acknowledge the comments of the Inspector in that case, and those of the appellant, about the inclusion of the strip of land, within which the appeal site is located, in the Green Belt. However, it is not my role to question its Green Belt designation. I am required to consider the appeal proposal against Green Belt policies and have determined the appeal accordingly.

### Main Issues

4. The main issues are:
  - Whether the appeal 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 of the appeal proposal on the openness and purposes of the Green Belt; and
  - 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 required to justify the appeal proposal.

## Reasons

### *Whether inappropriate development*

5. The appeal site lies within the Green Belt. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless one of the listed exceptions apply. Relevant to this appeal is exception 154(c), namely 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.
6. LP Policy WS 1 is consistent with the Framework as it states that national policy for the Green Belt will apply in the determination of relevant proposals.
7. Unlike policy GB5 of the superseded UDP, LP Policy WS 1 does not define what is meant by a disproportionate addition, and nor does the Framework. However, the House Extensions Supplementary Planning Guidance (SPG) states that within the Green Belt, extensions should not exceed 50% of the habitable floorspace of the original dwelling. Such guidance provides a reasonable basis upon which to assess whether an extension would be disproportionate.
8. The main parties agree that previous extensions have resulted in an approximately 175% increase in the floorspace of the original building. The Council calculate that the appeal proposal would, when added to the previous extensions to be retained, amount to an approximately 198% increase in the floorspace of the original building. This is not disputed by the appellant and there is nothing before me that would lead me to disagree with such calculations. Consequently, the appeal proposal, in combination with previous extensions, would be a significant exceedance of the 50% guidance set out in the SPG amounting to disproportionate additions over and above the size of the original building. It would not, therefore, meet the exception at Framework paragraph 154(c).
9. The evidence before me demonstrates that the previous extensions do not form part of the 'original building', as defined in the Glossary to the Framework, as they were all permitted and constructed after 1 July 1948. Furthermore, 'size' is a consideration of factors such as floorspace and volume, not appearance or visual impact. Consequently, irrespective of whether the existing extensions are long established within the site and form a cohesive part of the, the cumulative impact of the proposed and existing extensions is a key material consideration in the determination of this appeal.
10. I note that in the previous appeal the Inspector found that the proposed two storey extension was not a disproportionate addition, despite indicating that it would virtually double the size of the original house. However, since that appeal decision, the floorspace of the dwelling has been further increased through the addition of a conservatory. Therefore, there were different circumstances within which the previous Inspector assessed that proposal, and, accordingly, that decision does not alter my findings on the appeal proposal before me.
11. In conclusion, the appeal proposal would be inappropriate development in the Green Belt and would conflict with LP Policy WS 1, as well as the Framework and the SPG.

### *Openness and purposes*

12. 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. The five purposes served by the Green Belt are set out at paragraph 143 of the Framework.
13. As the appeal proposal would be larger than the conservatory that it would replace, it would introduce additional built form to the site and would result in a limited loss of spatial openness. In addition, as it would be at the rear of the dwelling and largely hidden from all but very close views from within the appeal site and adjoining properties, the harm to the visual openness of the Green Belt would be minimal. It would not, however, result in encroachment into the countryside or otherwise harm the five purposes of the Green Belt.
14. As such, I conclude that although the appeal proposal would not harm the purposes of the Green Belt, there would be some harm to its openness and it would, in this regard, conflict with LP Policy WS 1, as well as the Framework and the SPG.

### *Other considerations*

15. The appellant has referred to a Certificate of Lawful Development (CLD) issued earlier this year, for a rear single storey extension. There is nothing before me that would suggest that the CLD extension would not be built if this appeal was dismissed and, as such, it is a material fall-back position. Nonetheless, for it to weigh heavily in favour of the proposal it should be a closely comparable form of development.
16. The appeal proposal provides a similar amount of additional internal floorspace as the CLD extension but would also introduce a roof terrace, the balustrade of which would materially add to its bulk and massing, even though it would be partially clear glazed. The appeal proposal would, thus, result in a greater loss of the openness of the Green Belt than the CLD extension, both visually and spatially. It has not, therefore, been demonstrated that a directly comparable development to the appeal proposal could be brought forward under permitted development rights should the appeal be dismissed. Consequently, the CLD extension has limited weight in favour of the appeal proposal.
17. The Council has not raised any concerns about the design of the appeal proposal. Based on the evidence before me and noting that it would replace the existing conservatory, I agree. This is, however, a neutral factor that does not weigh in favour of, or against, the proposal.

### **Green Belt balance**

18. Paragraph 153 of the Framework states that when considering any planning application, substantial weight should be given to any harm to the Green Belt, including harm to its openness. 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.

19. I have concluded that the appeal scheme would be inappropriate development and would, therefore, be harmful to the Green Belt. I have also found harm, albeit limited, to its openness. The absence of any identified harm to the Green Belt purposes is a neutral factor.
20. The other considerations I have identified are of limited weight in favour of the appeal proposal. Consequently, these considerations, do not clearly outweigh the substantial weight to be given to the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the appeal proposal.

### **Conclusion**

21. The appeal proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
22. As such, I conclude that the appeals should be dismissed.

*Elaine Moulton*

INSPECTOR