



PLANNING COMMITTEE: 27th July 2023

Report of: Corporate Director of Transformation, Housing & Resources.

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF: 2022/1326/FUL

PROPOSAL: Proposed upward extension to create additional storey

APPLICANT: Mr M Wood

ADDRESS: Almond Villa, Southport Road

REASON FOR CALL IN: Application has been called in by Councillor Marshall to consider the impact on the Green Belt and the size of development.

Wards affected: Scarisbrick

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission for an additional storey extension to the detached bungalow dwelling.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 **To refuse planning permission.**

3.0 THE SITE

3.1 The application site relates to a detached bungalow located off a private access track on the western side of Southport Road. The site is located within the Green Belt.

4.0 PROPOSAL

4.1 The application seeks permission for an additional storey extension to the existing detached bungalow.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/0730/PNA - Application for determination as to whether prior approval of details is required - enlargement of dwellinghouse by the construction of 1.no additional storey – Inappropriate Application
- 5.2 2021/0035/20 – Appeal - Certificate of Lawfulness - Proposed alterations including: single storey side and rear extensions, new porch and new dormer extensions to roof – Allowed
- 5.3 2021/0559/LDP - Certificate of Lawfulness - Proposed alterations including: singlestorey side and rear extensions, new porch and new dormer extensions to roof – Part Refused/Part Approved
- 5.4 2021/0560/LDP – Certificate of Lawfulness – Proposed erection of new outbuildings ancillary to the residential dwelling – Not Permitted
- 5.5 2021/0561/PNH – Application for determination as to whether prior approval of details is required – Extension of dwellinghouse – Details Refused
- 5.6 2021/0015/LDP – Certificate of Lawfulness – Proposed single storey rear extension – Permitted

6.0 OBSERVATION OF CONSULTEES

- 6.1 None.

7.0 OTHER REPRESENTATIONS

- 7.1 Scarisbrick Parish Council – 7th March 2023
This application was discussed at the meeting of Scarisbrick Parish Council on the 6th March 2023. The Parish Council objects as follows: The size and volume of the proposed development is disproportionate and will therefore have a significant impact on the openness of the greenbelt.
- 7.2 Comments have been received from several neighbouring properties in support of the application they can be summarised as;
- Apparently, permission has been denied because the building is 1.5metres too tall in a Green Belt area even though his property is set a long way back off the main road and yet planning has been approved for a skip hire company to operate next door in the Green Belt much closer to the main road.
 - Proposal would improve the neighbourhood unlike the skip hire company.
 - The application site land has been sympathetically managed and maintained to a high standard. It has been disappointing to see that the visually unpleasant, dilapidated buildings and ruins on the site have not been addressed.
 - I consider the proposal would significantly improve the visual impact.
 - The upward extension would appear to be entirely in keeping with the surrounding two storey properties in the area.

- I am surprised a date technicality is being used in an attempt to block what would be a pleasant welcome to development of the site.
- I have noted the Parish Council's objection however, I fail to see how the proposed development is disproportionate to the very large site it sits on. Nor do I agree that it has significant impact on the openness of the Green Belt.
- As the proposed development will occupy land containing existing permanent structures, it can surely not be said that this will have any greater impact on the openness of the Green Belt.
- The current ruined outbuildings I understand will be replaced with buildings in keeping with the environment. This would certainly greatly improve the outlook of the property from my neighbour perspective.
- Although I am please the Council have considered Green Belt restrictions, in this case there is already a house on the land and the proposed changes do not impact on any neighbours or detrimentally to the area.
- I would not support the building of multiple properties on the land but feel that, due to the condition of the house and outbuildings, this application can only improve the situation.
- I do not consider the proposal to be unsympathetic to the locale, or indeed infringe upon the open aspect of the Green Belt, furthermore, should the current owner be refused and sell the property to a developer, their future plans could blight the area.

8.0 SUPPORTING INFORMATION

- 8.1 Supporting Statement
 Amended Statement
 Structural Report
 Planning Statement
 Previous Application Decision and officers report (Reference: 2022/0730/PNA)
 Flood Map
 Construction Method Statement
 Green Belt Assessment
 Green Belt Calculations

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.

The site is located within the Green Belt as designated in the West Lancashire Local Plan (WLLP) DPD.

National Planning Policy Framework

Achieving well designed places
 Protecting Green Belt Land

West Lancashire Local Plan (2012-2027) DPD

Policy GN1 - Settlement Boundaries
 Policy GN3 - Criteria for Sustainable Development

Policy IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Document (SPD), Design Guide (Jan 2008)

Supplementary Planning Document (SPD), Development in the Green Belt (October 2015)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Impact on the Green Belt

10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. National policy for the control of development in the Green Belt is set out in paragraph 149 and 150 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.

10.3 Paragraph 149 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 6 exceptions to this rule including “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.” The 'original building' is defined within the NPPF as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

10.4 Policy GB4 of the Council's SPD - Development in the Green Belt sets out the criteria for alterations and extensions to buildings within the Green Belt. A proposal should satisfy each of the following

10.5 The Council's SPD – Development in the Green Belt suggests that once the volume of all extensions, alterations and non-original outbuildings exceed 40% of the volume of the original building, then it is more likely that the development would have an adverse impact on the openness of the Green Belt.

10.6 A Green Belt Assessment has been submitted with the application. Detailing a total volume increase of approximately 85%, this would far exceed the 40% guide. I consider, the proposal, would amount to a disproportionate addition over and above the size of the original building.

10.7 The 40% increase is provided as a guide only and in accordance with the Council's adopted SPD Development in the Green Belt, other factors must also be considered when assessing the impact of the proposal on the Green Belt. The proposed extension would increase the scale and massing of the dwelling resulting in a material loss of openness of the Green Belt as the proposal would introduce built form where there is currently none. I consider there would be a loss of openness in the Green Belt which would conflict with the NPPF at paragraph 137 and would not accord with the guidance set out in the Council's SPD – Development in the Green Belt.

10.8 Given the above, the proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would conflict with Policy GN1 of the West Lancashire Local Plan (WLLP).

Visual Appearance/Design

10.9 The Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.

10.10 The Council's SPD Design Guide also states that extensions should not dominate the existing building in relation to its scale, position or choice of materials and should on the whole remain subservient to the main structure.

10.11 The proposed materials are to match the existing and the proposed fenestration would be of similar design and scale to that of the existing. The property is set at the end of an access track off Southport Road and although can be seen from the road it would not be highly visible and would be seen within the setting of other built forms from the highway. There would be no negative impact on the street scene or area in general. The proposed development would comply with Policy GN3 of the West Lancashire Local Plan and SPD – Design Guide.

Impact on neighbouring properties

10.12 Given the location of the property and the distances between the application dwelling and any neighbouring dwelling I do not consider there would be any significant negative impact on the residential amenities of any neighbouring property. The proposed development would comply with Policy GN3 of the West Lancashire Local Plan in this respect.

Parking

10.13 The number of existing bedrooms has not been shown on the submitted existing plans however, the proposal demonstrates following development the property would consist of 5 bedrooms. Although the adequate amount of parking has not been demonstrated as part of this application. I am satisfied there is sufficient parking available within the site. I consider the proposed development complies with Policy IF2, in terms of parking.

Other Considerations

10.14 The Planning Statement submitted refers to a recently determined prior notification for an additional storey to the proposed dwelling. This was determined as an inappropriate application as it did not meet the criteria of the Permitted Development Rights as set out within Schedule 2, Part 1, Class AA, due to the original dwelling being constructed before 1st July 1948. Although it is argued within the Planning Statement and Addendum Statement the development proposed within this planning application is compliant with all other

criteria for an upward extension under Permitted Development this is irrelevant when it has already been decided it does not meet the criteria of permitted development. It is also stated *'It is only logical therefore to conclude that upward extensions on dwellings are deemed to be acceptable in the Green Belt, but that a full planning application must be submitted if the construction of the dwelling falls outside the dates specified in the Permitted Development Rights.'* Permitted Development is assessed differently to full planning applications and as such the proposed development contained within this application will be assessed under national and local policy as to its impact on the Green Belt and this along with the other relevant policy requirements assessed will determine whether or not the proposal is acceptable or not.

Very Special Circumstances

- 10.15 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' (VSC) 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. The NPPF confirms that substantial weight should be given to any harm to the Green Belt. In this case, harm has been identified by reason of inappropriateness.
- 10.16 As part of this application details have been put forward in respect of Lawful Development Certificates for two large side extensions and a single storey rear extension, references: 2021/0015/LDP and 2021/0559/LDP. The application is supported by a Planning Statement and an Addendum Statement which does state that – *'Whilst planning permission is not sought, or required, for these extensions (the two side extensions and one rear extension), they are shown on the plans in the interest of clarity as these extensions when combined with the proposed upward extension would represent the 'finished product'.* If this upward extension were to be granted and the permitted development implemented as demonstrated within this submission the dwelling would have a total volume increase from the original of approx. 193%. Although this application is solely for the upward extension, as the details of the lawful development proposals are demonstrated along with this upward extension, with clear and concise information given through the submission documents in terms of the target 'resultant property' the Council has taken this into account when assessing the application.
- 10.17 The Council has identified Very Special Circumstances could exist if a Unilateral Undertaking were to be agreed by the applicant which ensure if the upward extension as proposed in this application, were to be implemented, no further extensions under permitted development including those already approved under references; 2021/0015/LDP and 2021/0559/LDP would be carried out. It is considered the extensions that could be achieved through the Lawful Development Certificates reference; 2021/0015/LDP and 2021/0559/LDP would in comparison to the application proposal, create far greater harm on the openness of the Green Belt by way of sprawl and loss of undeveloped Green Belt land harming both the visual and spatial context. I consider the stand-alone proposal, the upward extension, would have substantially less harm to the openness of the Green Belt due to the proposed development, although resulting in an increase in floor area, would not extend beyond the footprint of the existing

built form. The proposal would be contained in the same location of existing development and would respect the built forms and vernaculars.

- 10.18 The resulting volume increase of both the proposed additional storey and the already obtained Lawful Development Certificates for the side extensions and rear extension, cumulatively, would far exceed the 40% guide with a total volume increase of approx. 193% and would not be acceptable in terms of its severe impact on the Green Belt. On 13th June 2023 the LPA sent email correspondence to the agent dealing with the application in respect of their client, the applicant, considering entering into the agreement as stated above however, although some correspondence took place no response was received which detailed if the applicant was willing or able to enter such agreement. Correspondence was received from the applicant, 27th June 2023, which stated they had requested a barrister to pursue the planning application. This correspondence was forwarded to the agent to clarify how the applicant would like to proceed in terms of the unilateral undertaking, but no response was received.
- 10.19 Paragraph 38 of the NPPF states; *Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.* In this instance the LPA has, in my opinion, approached the determination of this proposed development in a positive and creative way attempting to work proactively with the applicant. Unfortunately, on this occasion, the suggested legal agreement has not been confirmed or agreed within a reasonable amount of time and as the agent/applicant has been unwilling to agree to an extension of time, which has been requested several times, to determine the application, the proposed development has been determined based on the information submitted.
- 10.20 In accordance with the NPPF it is necessary that substantial weight should be attached to any harm to the Green Belt by reason of inappropriateness and loss of openness. In this respect, as no Unilateral Undertaking has been agreed within a reasonable amount of time and no correspondence received to clarify the applicant's stance, there are no very special circumstances which outweigh the totality of the identified harm. Therefore, it is considered that the proposed development is not compliant with the NPPF and Policy GN1 of the West Lancashire Local Plan.

11.0 CONCLUSION

- 11.1 Given the above I consider that the proposal does not meet the requirements of The National Planning Policy Framework and Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for refusal. The opportunity of Very Special Circumstances was offered by the Local Planning Authority but subsequently, have not been able to be agreed or achieved.

12.0 RECOMMENDATION

- 12.1 That the application should be **refused** for the following reason:

The proposed development does not meet the requirements of the NPPF, Policy GN1 of the West Lancashire Local Plan 2012-2027 DPD and Supplementary Planning Document Development in the Green Belt in that the proposal would cause harm to the openness of the Green Belt due to its increase in scale and massing and would be considered inappropriate development in the Green Belt. The opportunity of very special circumstances was offered by the Local Planning Authority but subsequently, have not been able to be agreed or achieved.

Reasoned Justification

Despite the requirements of Paras 38-46 of the National Planning Policy Framework it has not been possible to reach a positive agreed solution through the Council's adopted and published procedures, which advise that pre-application advice should be sought prior to the submission of an application. This application was submitted without the applicant/agent having entered into meaningful pre-application discussions in relation to the planning policies and material considerations that apply to the proposal and the development shows insufficient regard to the policy requirements as detailed in the reasons above.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.