



Appeal Decision

Site visit made on 25 June 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2024

Appeal Ref: APP/P2365/D/24/3339460

Otterbrook Moss Lane, Churchtown PR9 8AF

- 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 Mrs Susan Doyle against the decision of West Lancashire Borough Council.
 - The application Ref is 2023/0270/FUL.
 - The development proposed is described as a 'replacement garage - alternative to 2022/0698/FUL.'
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Decision

1. The appeal is allowed and planning permission is granted for a replacement garage – alternative to 2022/0698/FUL at Otterbrook, Moss Lane, Churchtown PR9 8AF, in accordance with the terms of the application, Ref 2023/0270/FUL and the plans submitted with it, subject to the following conditions;
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Location plan
 - Plans and Elevation drawing number 2539-601
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used on the existing dwelling.

Procedural Matters

2. The proposal is retrospective, as the garage was in situ at the time of my visit. Whilst the development appears to accord with the submitted plans in terms of its overall size and position, there are deviations regarding the fenestration treatment of the rear elevation including the provision of a first floor Juliet balcony and the insertion of a rooflight. Furthermore, a first-floor plan is absent from the plans determined by the Council.
3. Having had regard to the overall scale and position of the proposed extension, I am satisfied that there is sufficient detail on the supplied drawings, to properly assess the impact of the development with regard to the Green Belt. In reaching my decision I am required to assess the development as shown on the plans and not as built on site. I have determined the appeal accordingly.

Main Issues

4. The main issues of this appeal are;

- Whether the 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; and
- 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 required to justify the proposal.

Reasons

Inappropriate Development

5. Policy GN1 of the West Lancashire Local Plan, Development Plan Document (the LP) 2013 sets out that proposals in the Green Belt will be assessed against national policy and other relevant Local Plan policies.
6. Paragraph 154 of the Framework indicates that other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. 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, is one of the exceptions and upon which the appellant's case relies (paragraph 154c).
7. Policy GB4 of the West Lancashire Borough Council Supplementary Planning Document, Development in the Green Belt (SPD) 2015, sets out the criteria that proposals for an extension to an existing building should satisfy. These include the lawfulness of the existing building, volume increase, appearance and impact on the openness of the Green Belt. However, the SPD predates the Framework of which paragraph 154c), does not require an assessment regarding openness nor appearance, relative to inappropriateness.
8. The Council refers to the replacement dwelling already being 20% greater in volume than the property it replaced. The relevance of this is unclear given that the SPD and the Framework define the 'original building,' as it was built originally after 1 July 1948. Hence, the replacement dwelling is the original building in this instance.
9. The Framework does not provide a definition of 'disproportionate additions.' Nevertheless, Criterion b) of policy GB4 of the SPD advises that the total volume of the proposal, together with any previous extensions, alterations and non-original outbuildings, should not result in an increase of more than 40% above the volume of the original building. The SPD clarifies that this figure is a guide only, and that smaller additions may also be considered to be disproportionate in some circumstances.
10. Even if I take the Council's slightly higher figure of a 22% increase¹, it would be well within the volume guidelines of the SPD. That would remain the case even when the limited volume of the additional plant room is added.
11. Whilst I acknowledge the concerns about the spread of development, any form of extension would add to the scale and bulk of the dwelling and any outbuilding would add to the spread of built form. No details of the previous approval for a replacement garage at the appeal site have been provided by either party such that I am unaware of its location and scale in relation to the

¹ As cited in the Council's officer report, compared to 21% cited in the appellant's volume calculations document and statement of case.

host dwelling². Nor can I compare it to the scheme before me as a potential fallback position. I therefore limit my assessment to the proposal before me.

12. The proposed garage is a large addition and the roof span particularly so. However, the plans indicate that the proposed garage would be less than the width of the host dwelling, of a slightly reduced depth and with an overall height considerably less than that of the main roof. As such, it would be clearly read as a lower and more subordinate extension to the host dwelling, which itself is of a significant size and scale. Having regard to the volume being within the acceptable range advocated by the SPD, and how it would be perceived in relation to the host dwelling, I am satisfied that the proposal would not amount to a disproportionate addition.
13. For the above reasons, the proposal would not be inappropriate development in the Green Belt and it would accord with Policy GN1 of the LP, along with the guidance in paragraph 154c) of the Framework and policy GB4 of the SPD. It follows that it would not be harmful to the openness of the Green Belt or the purposes of including land within it.
14. The Council's reason for refusal refers to the West Lancashire District Council Design Guide SPD (2008). However, the status of this document is unclear as it appears to refer to a different local plan and it pre-dates the Green Belt SPD. I have not therefore referred to it above.

Other Considerations

15. As the proposal would not be inappropriate development in the Green Belt, a case for very special circumstances is not required.

Other Matters

16. During my visit I observed that a detached outbuilding had been erected to the side of the dwelling. It is not clear whether it has planning permission³. No evidence has been submitted regarding the cumulative impact of the proposed garage and outbuilding on the Green Belt. The situation with regard to the outbuilding is therefore a matter for the parties. From my observations, given its limited height and overall scale compared to the extension before me, it does not affect my findings.

Conditions

17. The Council did not provide a list of suggested conditions in the event that the appeal was allowed.
18. As I am determining the appeal based on the proposal rather than the development that has been carried out, I consider it necessary to attach conditions listing the plans in the interests of certainty and the materials in the interests of appearance, along with the standard time limit for the commencement of development.

Conclusion

19. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, the appeal is allowed.

M Clowes - INSPECTOR

² Planning application 2022/0546/FUL as cited in the Council's officer report.

³ No reference is made to such development within the planning history section of the Council's officer report.