

Appeal Decision

Site visit made on 19 August 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/T4210/D/24/3337479

73A Simister Lane, Prestwich, Bury M25 2SU

- 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 Chris Prest against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 69923.
 - The development proposed is first floor side extension on top of original garage, single storey front porch extension, raise existing roof height, new dormers to rear, convert loft, elevational changes to existing façade/windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Council has adopted the Places for Everyone¹ Joint Development Plan as part of the Development Plan for Bury. The main parties were given the opportunity to comment on this adopted plan and its relevance in relation to the appeal proposal.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
4. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023.

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, Adopted 21 March 2024.

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies; and
- the effect on the character and appearance of the area;

Reasons

Whether inappropriate development

6. The appeal site is within land defined as Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. One such exception, criterion (c), being 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.
8. Policy OL1/2 of the Bury Unitary Development Plan 1997 (UDP) also states that the construction of new buildings inside the Green Belt is inappropriate, unless one or more of a number of purposes apply. Of these listed purposes, bullet point three includes limited extension or alteration of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling. As such, UDP Policy OL1/2 conforms with the provision of the Framework.
9. I note the Council's Officer Report refers to case law² in respect of assessing the impact on openness. However, as established within the Lee Valley case³, this requirement is not a test within paragraph 154 of the Framework, which only requires openness to be taken into account when it is expressly stated as a determining factor in gauging inappropriateness.
10. As such there is no requirement to assess the impact of the extensions and alterations to a building on the openness of the Green Belt, or the visual impact of the proposal, when determining whether or not it constitutes inappropriate development. The determining factor is therefore whether or not the proposed extensions and alterations result in disproportionate additions over the size of the original dwelling.
11. In this context, the Framework does not define what may constitute a disproportionate addition. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning

² Turner v SSCLG & East Dorest Council [2016] EWCA 466

³ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev1) [2016] EWHCA Civ 404

judgement. However, the overall size (footprint and volume) of the original building in comparison to the proposed extended building is clearly an important factor.

12. The Council's Supplementary Planning Document: *Development Control Policy Guidance Note 8 – New Buildings & Associated Development in the Green Belt - January 2007* (SPD8) sets out that residential extensions should be proportionate to the size of the original building and that the Council may allow an extension to be up to a third of the volume of the original dwelling. It further states that each proposal will be considered on its own merits and even an increase up to a third may not be appropriate in certain situations (e.g. if the site is a particularly sensitive area or if there are other amenity issues).
13. The appellant has provided volume calculations to show that the appeal scheme would result in a volume increase of 30% above that of the original dwelling and this figure is not disputed by the Council. As such the appeal scheme would adhere to the guidance within SPD8 regarding volume increases arising from extensions to buildings within the Green Belt.
14. I acknowledge that the figure in the SPD is a guide only and that there may be circumstances where extensions of less than a third are still considered to be disproportionate. Nevertheless, in this case the proposed first-floor extension and raising of the roof, which includes the construction of rear dormers, would be confined to within the existing width and depth of the dwelling and would therefore not result in any increase in the footprint of the original building.
15. Furthermore, and notwithstanding its impact upon the character and appearance of the area which is discussed in further detail below, I consider the raising of the ridge to be proportionate in comparison to the overall scale and height of the existing building.
16. Having regard to the above, in my judgement the proposal would not result in disproportionate additions to the original building in terms of size, and it therefore falls within the exception at paragraph 154 (c) of the Framework. I therefore conclude that the proposed development would not be inappropriate development in the Green Belt and accords with UDP Policy OL1/2, as well as the provisions of the Framework. Furthermore, I have found that the proposal complies with the guidance contained within SPD8.
17. As I have found that the proposal would not be inappropriate development in the Green Belt, there is no place for a subsequent assessment of the effect of the development on the openness of the Green Belt, or the impact on Green Belt purposes.
18. Additionally, given the proposed development would not amount to inappropriate development, there is no need for me to assess other considerations, and whether very special circumstances exist in order to justify the development.

Character and appearance

19. The appeal relates to a two-storey detached dwelling, with an integral side garage, within the semi-rural village of Simister. The property is located within a relatively long ribbon of built development occupying both sides of the road.
20. I observed on site that there are a variety of house styles, designs and ridge heights within this ribbon of development, reflecting the various different ages

of the properties. However, the appeal property is located centrally within a row of three detached dwellings which appear to be almost identical in size, scale, height and design. I did note that the appeal property has a slightly different roof design above its integral garage and front porch / canopy in comparison to the properties either side, however collectively this row of three similar properties creates a positive feature on an otherwise varied street scene.

21. Furthermore, the single storey garage to the side of each property in this row creates a gap between each dwelling at first floor level. These gaps afford visual relief from the built development along this street, as well as providing a view of the wooded area to the rear (north) of the appeal site, thereby adding to the pleasant, green and leafy character of this area. As such, the existing gap provided at first-floor level on each of the properties in this row currently makes a positive contribution to the appearance of the street scene.
22. The proposed first-floor side extension above the side garage, and the raising of the ridge height, would increase the height and bulk of the dwelling, resulting in it being more visually prominent and dominant on the street than the existing building and the similar dwellings either side. Whilst acknowledging the proposal has been designed to retain and replicate existing features of the dwelling, including the front gable feature on the first-floor extension, as a result of its scale and size the proposed extensions and alterations would create an overly dominant and oppressive building in this locality.
23. The proposal would also disrupt the existing continuity provided by this row of three properties, as well as significantly reducing the gap at first floor level between the appeal property and the neighbouring dwelling at No. 75 Simister Lane. The narrowing of this gap would result in harm to the street scene by reducing the aforementioned pleasant views of the trees within the wooded area to the rear.
24. Additionally, the raising of the ridge height would not only look out of place in comparison to the properties either side, but also alter the pitch and slope of the roof plane. Thus, not only would the raising of the ridge height, along with the first-floor extension, result in the appeal dwelling being the dominant property in this row of three dwellings when viewed directly from the front, but also when approaching from either direction on Simister Lane the proposed roof plane / slope would sit forward of, and above, the properties either side. This only adds further visual harm to the character and appearance of this row of three properties and the wider street scene in general.
25. Accordingly, I conclude that the appeal scheme would significantly harm the character and appearance of the surrounding area. The proposal is therefore contrary to UDP Policy H2/3 where it seeks to ensure, among other things, that development is sympathetic in nature with the surrounding area by reason of shape, design, and external appearance.
26. The proposal also fails to comply with the Council's Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (adopted 2004 and updated 2010) where it seeks to achieve a high standard of design and to ensure that proposals do not have a detrimental impact on the character and appearance of neighbouring properties and general street scene.

Other Matters

27. The appellant has made reference to the number of additions that have been approved and constructed at other nearby properties in the area. Whilst I acknowledged earlier that the wider street scene includes a variety of house types, heights and designs, I have limited information before me as to the planning history of all these other properties to draw any direct comparisons with the appeal scheme.
28. My attention has however been specifically drawn to extensions and alterations at No. 85 Simister Lane (No. 85). Again, I do not have all the details before me in respect of the full planning history of this property. Nevertheless, having reviewed the approved plans at No. 85 that have been provided as part of this appeal, I note that this proposal did not appear to include any raising of the ridge height, as proposed by the appeal scheme. Furthermore, I observed on site that the properties immediately surrounding No. 85 differ in size and design. As such, I do not consider the approved extensions at No.85 are directly comparable to the appeal scheme.
29. Notwithstanding the above, the existence of other extensions in the area does not justify the harm I have identified, and I have determined the appeal on its own merits against the most up-to-date planning policies.
30. I note the appellant comments that the proposal primarily intends to allow more useable area on the upper floors to accommodate their growing family. Limited information is before me as to those circumstances and I have limited evidence that this scheme is the only practical option for extending this property. I do not therefore find that the personal circumstances of the appellant to extend the property outweigh the harm I have found the appeal proposal would have on the character and appearance of the surrounding area.

Conclusion

31. The proposed development would not constitute inappropriate development within the Green Belt. However, the appeal scheme would have an unacceptable harmful impact upon the character and appearance of the surrounding area.
32. The proposal therefore conflicts with the development plan when taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Major

INSPECTOR