
Appeal Decision

Site visit made on 4 January 2017

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th January 2017

Appeal Ref: APP/A0665/D/16/3163823

Bank Cottage, New Pale Road, Manley, Frodsham WA6 9EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Greg Phillips against the decision of Cheshire West & Chester Council.
 - The application Ref 16/03112, dated 14 July 2016, was refused by notice dated 18 October 2016.
 - The development proposed is two storey rear extension and roof alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the more precise description of development from the decision notice in the banner above.

Main Issues

3. The main issues are:
 - (1) 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;
 - (2) the effect on the character and appearance of the area; and,
 - (3) if the development is inappropriate would the harm by reason of inappropriateness and any other harm be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development

4. The appeal property lies within the North Cheshire Green Belt. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development unless it is one of 6 specified exceptions. The exception that needs to be considered in this case is '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.'
 5. The property has been extended previously. According to the Council past additions have led to the floorspace of the original dwelling being more than doubled. Although the provision of the gable over the existing bedroom and
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bathroom would not increase the floorspace, the two storey extension would lead to a small increase in the overall footprint of the property and modest increases in floorspace at ground and first floor levels.

6. The property is in a countryside location surrounded by predominantly open land. The extensions would be relatively inconspicuous but both additions would result in a modest increase in the overall bulk of the property leading to some loss of Green Belt openness. That said the Green Belt purposes set out in paragraph 80 of the Framework would not be materially affected.
7. Having regard to the above I conclude that the extensions would be disproportionate and as a result would constitute inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies. The proposal would conflict with Policy H8 of the Vale Royal Borough Local Plan (VRBLP) as it would result in disproportionate additions over and above the size of the original dwelling.

Character and Appearance

8. Although the property has been altered and extended over the years it still has the character of a country cottage. The extensions would utilise sandstone and brick walls, slate roofs and painted timber fenestration to match the existing materials in sympathy with the cottage. The new first floor gable would be marginally wider than the existing gable at the western end of the property but in the context of the variety of elements making up the overall building it would not be dominant or look out of place.
9. Accordingly the proposal would have no material adverse impacts on the character and appearance of the area and would comply with Policy H8 of the VRBLP in this regard as it would maintain the character of the original building.

Other Considerations

10. Planning permission was granted for cat slide roofs in the position of the proposed gable extension in March 2015. That said the gable extension would have a greater mass than the cat slide roofs. In addition a lawful development certificate (LDC) exists for a two-storey rear extension to the existing western gable which according to the appellant would result in a 3m projection. It is also indicated that the small two storey addition that forms part of the current appeal was also covered by the LDC given in December 2014.
11. The appellant suggests that the works deemed to be permitted development (PD) by the LDC, particularly the larger two-storey extension, would be given up as would any other PD rights. However, no binding mechanism such as a legal undertaking is in place to 'revoke' the LDC. A condition could not be used to prevent a legally authorised development being implemented. As a result if the appeal was allowed both the LDC scheme and the current proposal could be carried out. In combination the extensions would lead to more significant increases in the bulk of the property. Therefore I can only give the appellant's suggestion to give up the fallback position limited weight.
12. I acknowledge that the ceiling heights in the affected bedroom and bathroom limit the extent of useable floorspace. Indeed I noted that headroom above the washbasin and bath is restricted. Thus the accommodation has limitations for the appellant's growing family who wish to remain in, and continue to

contribute to, the local community. I give these social benefits moderate weight.

Conclusions

13. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. I have not found any other material harm.
14. The limited weight that I give to the fallback position and the moderate weight ascribed to the social benefits arising from the improved accommodation would not clearly outweigh the substantial weight to be given to Green Belt harm by reason of inappropriate development. Therefore, the very special circumstances necessary to justify the development have not been demonstrated. There would be conflict with Policy STRAT 9 of the Local Plan (Part 1)¹ as a result which cross references with the restrictions on Green Belt development contained within the Framework.
15. For the above reasons the appeal should be dismissed.

Mark Dakeyne

INSPECTOR

¹ Cheshire West and Chester Council Local Plan (Part One) Strategic Policies adopted January 2015