
Appeal Decision

Site visit made on 13 February 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 8 March 2017

Appeal Ref: APP/A0665/D/3164550

Highview, Plough Lane, Christleton, Chester CH3 7BA

- 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 & Mrs E Barnes against the decision of Cheshire West & Chester Council.
 - The application Ref 16/04279/FUL, dated 19 September 2016, was refused by a notice dated 8 November 2016.
 - The development proposed is the demolition of double garage, erection of porch, single storey side extension, raising of roof and first floor extensions.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of double garage, erection of porch, single storey side extension, raising of roof and first floor extensions at Highview, Plough Lane, Christleton, Chester CH3 7BA in accordance with the terms of the application, Ref 16/04279/FUL, dated 19 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: Site Location Plan, Scale 1:1250; As Existing, Drawing No. 1567-PL-01; As Proposed, Drawing No. 1567-PL-02 Rev A.
 - 3) The external walls and roof of the development hereby permitted shall be constructed in the materials shown on Drawing No. 1567-PL-02 Rev A and all facing brickwork and tiles shall match those used on the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A and E of Part 1, Schedule 2 of that Order shall be carried out.

Application for costs

2. An application for costs was made by Mr & Mrs E Barnes against Cheshire West & Chester Council. This application is the subject of a separate Decision.
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Procedural Matters

3. The Council altered the description of the development from 'New first floor bedroom accommodation to front wing of existing single storey dwelling, 2 storey side extension with garage, demolition of existing double garage,' to 'Demolition of double garage, erection of porch, single storey side extension, raising of roof and first floor extensions.' This is also the description used by the appellant of the appeal form. I consider it to be a more accurate description of the appeal proposal and I have used it in the header above.
4. The Council Officer's report states that the appeal site is located within Christleton Conservation Area. However, the plan of the Conservation Area provided by the Council clearly shows the site to lie outside of the boundary of the Conservation Area. This error has been recognised by the appellant in their appeal submission. The Council did not consider that the proposal would cause any harm to the character or appearance of the Conservation Area and I am therefore satisfied that no party has been prejudiced by the error.
5. The dwelling benefits from an extant permission described as '*Extensions and raising the height of the dwelling, demolition of existing double garage.*'^[1] The appellant has made it clear that, should this appeal fail, the extant permission would be implemented. In the absence of any evidence to the contrary, that previous permission is, therefore, a material consideration in my determination of this appeal.

Main Issues

6. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt and, if so, the effect on openness;
 - The effect on the character and appearance of the host property; and
 - If it is inappropriate development, whether the harm by reason of inappropriateness, any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

7. The appeal proposal is for an extension to a detached bungalow which is located within the village of Christleton and the North Cheshire Green Belt. Policy STRAT 9 of the Cheshire West and Chester Local Plan (Part One), Strategic Policies (LP), adopted January 2015 advises that the general extent of the North Cheshire Green Belt will be maintained. It further states that within the Green Belt restrictions will apply to development in line with the National Planning Policy Framework (the Framework).
8. Paragraph 89 of the Framework states that new buildings should be regarded as inappropriate development in the Green Belt subject to a number of

^[1] 16/00327, granted 19 July 2016.

exceptions. The extension or alterations of a building is included in these exceptions provided that it does not result in disproportionate additions over and above the size of the original building. Saved Policy ENV 66 of the Chester District Local Plan (CDLP), 2006 advises that extensions or alterations to dwellings in the Green Belt will be permitted provided they would not result in disproportionate additions over and above the size of the original dwelling. It is therefore consistent with the Framework in this regard.

9. The existing dwelling is a modest bungalow. It is proposed to create first floor accommodation primarily within a raised roof and facilitated by an increase in the dwellings eaves height and the inclusion of dormer windows to the front and rear. A single storey extension is also proposed to provide a master bedroom and en-suite as well as a double height front entrance porch. Although no dimensions have been provided, I am in no doubt that the development proposed would result in a substantial increase over and above the size of the original dwelling. As such, it would comprise inappropriate development. The increase in size would also reduce the openness of the Green Belt to some extent. There would be conflict, therefore, with the relevant policies of the development plan and the Framework set out above.

The effect of the proposal on the character and appearance of the host property.

10. The existing dwelling is a bungalow with a simple form, pitched roof and a relatively low profile. The extant permission introduces a second floor into the property, and although the first floor accommodation would be primarily within the roof space, the increase in the property's eaves height, introduction of dormer windows and the double height front entrance porch fundamentally alter the scale and character of the original dwelling.
11. The design proposals sought in this appeal would align the eaves at the front of the property with those approved at the back, and consequently the proposed front dormer windows would be positioned at eaves level as opposed to sitting within the roof slope. This detail forms part of the design proposals for the property's rear elevation in the extant permission and would not therefore be uncharacteristic, nor would it significantly alter the overall appearance of the dwelling. Moreover, the overall design of the building would in my view be improved by providing it with a balanced roof pitch.
12. The Council considers that the proposed fully glazed dormer and Juliet balcony would result in the property having a much greater vertical emphasis, changing its character from a bungalow to a house. However, the permitted double height porch which would lie adjacent to it would have a similar effect, and by reason of its forwards projection the porch would have a greater visual dominance than the proposed fully glazed dormer. For this reason, and the reasons given above, I therefore conclude that the proposed amendments to the design of the extant permission would not have a harmful effect on the character and appearance of the host property.
13. The proposal therefore complies with the development plan and in particular I find no conflict with Policy ENV6 of the LP or Policy HO8 of the CDLP and Saved Supplementary Planning Document: Householder Extensions, 2006 which seek to ensure, amongst other things, that new development and extensions to dwellings are in keeping with the scale and character of the existing dwelling, and that its appearance is acceptable in relation to the existing dwelling and its wider setting.

Other considerations

14. I have found that the scheme proposed comprises inappropriate development which is, by definition, harmful to the Green Belt. Very special circumstances to justify inappropriate development 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.
15. In essence, the appeal scheme comprises an amendment to the design of that already approved scheme. It is proposed to alter the approved roof profile through a marginal increase in the eaves height on the north (front) elevation. There would be no further increase over and above the already approved scheme in terms of the footprint of the building, the floorspace, or its overall height. Moreover, from the plans I have before me, if there is any increase in volume (and it is not suggested by the Council that there is) it would be so insignificant as to be de minimis, with the scheme proposed having no greater impact on the openness of the Green Belt. Moreover, as set out above, I consider that, in terms of design, the appeal scheme is to be preferred. All in all, I am satisfied that the appeal scheme would have at least a similar, if not a preferable effect to that of the approved scheme.

Overall Planning Balance and Conclusion

16. Whilst there would be no harm in terms of character and appearance, the proposed replacement dwelling would, having regard to the development plan and national planning policy, comprise inappropriate development in the Green Belt. There would also be some harm to the openness of this part of the Green Belt. However, the extant permission in this case is a material consideration to which I afford considerable weight. Given that any impact in terms of the openness of the Green Belt would be comparable, and its improved design, I consider the appeal scheme to be preferred to implementation of that already approved. On that basis, I consider the extant permission to be an other consideration of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness. Thus, very special circumstances necessary to justify the development proposed have been demonstrated. Accordingly, whilst there would be conflict with the development plan, the balance of planning considerations in this case lead me to the view that the appeal should succeed.

Conditions

17. The Council has suggested a number of conditions which I have considered against the Framework and Planning Practice Guide. I have amended some of them for clarity.
18. A condition specifying the approved plans is required as this provides certainty. A condition relating to materials is necessary to safeguard the character and appearance of the area. Given the extent of the extensions already permitted by the Council and in view of the Green Belt location, I consider that exceptional circumstances exist to remove some permitted development rights accruing to the property.

Conclusion

19. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR