

Appeal Decision

Site visit made on 15 May 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 7th June 2017

Appeal Ref: APP/A0665/D/17/3171795

Mill Cottage, Watery Lane, Frodsham, Cheshire, WA6 7EN.

- 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 Brett Thompson against the decision of Cheshire West and Chester Council.
 - The application Ref: 16/04845/FUL, dated 27 September 2016, was refused by notice dated 2 March 2017.
 - The development proposed is two storey side extension and single storey rear extension to house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposal amounts to inappropriate development in the Green Belt (GB) and if so, whether the harm by reason of inappropriateness and any other harm, (including harm to the character and appearance of the area), is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The National Planning Policy Framework (the Framework) states that extensions to buildings in the GB are not inappropriate development provided that they do not result in disproportionate additions over and above the size of the original building. Although the Decision Notice cites Policies ENV66 and HO8 of the Chester District Local Plan, the Council subsequently confirmed this was in error and the correct Policy is H8 of the Vale Royal Local Plan (2006) (VRLP). This reiterates the advice in the Framework in relation to disproportionate additions to properties in the GB. The Council say that the proposal would lead to around an 80% increase in the floor space of the appeal property, whilst the appellant cites a figure of 78%.
 4. The appellant maintains that the reference in the Framework to the phrase *over and above* implies that additions which are smaller in size than the original dwelling should be regarded as not disproportionate. I do not agree. Such an
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interpretation would potentially allow properties to virtually double in size which, given the restrictive nature of GB policy and its intention to retain openness appears to me to be an unlikely intention. Moreover, adopting this line there would be no need for the word *disproportionate* and its inclusion clearly denotes the requirement to apply judgement in assessing extensions.

5. The appellant claims that the Council has incorrectly assessed the original building which stood on the site and the former building was 3-4 times the size of that which currently exists. Annex 2 of the Framework defines *original building as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally"*. A black and white photograph depicting the appearance of the appeal site circa 1930 is submitted with the appeal documents alongside a map extract from circa 1936 annotated Bradley Mill. The appellant states that this was demolished in the 1950's.
6. I have no reason to dispute this evidence which demonstrates there was a substantial building adjoining the appeal site in use as a mill of some type. The key issue here is whether it could reasonably be considered to have formed part of the appeal building and I am not persuaded it can.
7. Whilst the appellant states that the mill was previously used for residential and industrial purposes, the photograph depicts a quite distinct appearance from the cottage to which it is attached. Merely because it was physically attached thereto does not imply it was one and the same building, as indeed a terraced house in a row is a distinct building from its attached neighbour, or taking another example, a barn attached to a farmhouse. Neither is it clear whether they were in the same ownership or control or occupied as one distinct unit. The evidence simply suggests to me that there was a substantial building(s) attached to the appeal building. The appellants reference to the "mill and second cottage" being demolished reinforces this point.
8. I therefore do not consider I have sufficient evidence to demonstrate that the original building in this case was materially larger than that which presently exists. Accordingly, I consider the correct baseline against which to determine the appeal proposal is the present condition of the appeal building.
9. Even adopting the slightly lower figure of 78% advanced by the appellant, it is clear to me that the quantitative increase in floor space of the appeal property consequent upon the proposals, would be very significant. Moreover, the massing of the resultant property would be substantially greater, with a significant increase in its frontage width and the addition of a substantial rearwards two storey wing where none exists at present. Even allowing for the fact that part of the proposals would replace an existing single storey structure to the rear, there is no doubt in my mind that the proposal would amount to a disproportionate addition to the property.
10. The appellant maintains that the impact of the extension would to some extent be offset by the existing lean-to car port structure and adjacent outbuilding to one side of the dwelling. However, as they were clearly erected sometime after the 1950's (being in a position consequent on the demolition of the former mill)

and as the house dates from around 1760, they cannot be construed as part of the original building. Moreover, as lightweight single storey structures, I do not consider they would offset the scale, massing or permanence of the appeal proposal to any significant degree.

11. The proposal would thus amount to inappropriate development in the GB and would conflict with the Framework and Policy H8 of the VRLP. Paragraph 87 of the Framework states that inappropriate development is by definition, harmful to the GB and should not be approved except in very special circumstances. Paragraph 88 states that the decision maker should ensure that substantial weight is given to any harm thereto.
12. Added to this harm would be a loss of openness arising from the substantial increase in size of the host property. This would be localized, but would add to the harm by reason of inappropriateness. The Council also cite conflict with Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part 1) Strategic Policies (2015) (CW&CCLP). Whilst extensions to dwellings do not feature in the list of development types potentially permissible in the countryside, this is strategic policy aimed at restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. I thus do not consider it is relevant to the appeal proposal.
13. The Council also express concern about the design and scale of the extension. Whilst the fenestration on the front elevation would match that of the existing dwelling, the increase in its frontage width by over half and the significant rearwards two storey projection would result in an unwieldy addition to the property which would fail to appear subservient thereto. The limited set back from the front elevation and slightly lower ridge line would fail to address this and the property would appear engulfed in extensions. In this respect, I cannot accept the appellant's proposition that the proposal accords with the design principles in the Vale Royal Borough Council Supplementary Planning Guidance 3 – *Housing Extensions 'A Design Guide'* (1996).
14. The scale and massing of the extensions would thus fail to harmonize with the host property. This would harm its appearance, to the detriment of the wider character and appearance of the area, bringing the appeal proposals into conflict with Policy H8 of the VRLP and Policy ENV6 of the CW&CCLP. These state that residential extensions will be determined in relation to their scale, size and design, which should respect local character and achieve a sense of place through appropriate layout and design.
15. I appreciate the appellant's point that many of the surrounding properties are larger in scale than the appeal dwelling, but that does not render the appeal proposals acceptable in terms of whether they would integrate satisfactorily with the host property, which I have found would not be the case. I also accept that public views of the property are somewhat filtered by trees, but it is nonetheless visible from Watery Lane, where it occupies

an elevated position relative to the dip in the lane. Views will also be clearer following leaf fall in winter.

16. The appellant advances several other considerations in favour of the appeal. It is contended that the existence of the former mill qualifies the land as previously developed, citing a definition in the Cheshire West and Chester Local Plan. However, the definition in the Framework expands on this to exclude circumstances *where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time*. The former mill was demolished in the 1950's. Whatever remnants thereof may have been incorporated into the adjoining outbuildings, they bear no resemblance to the former building(s) on site. In any event, there is nothing in the Framework or the development plan policies to suggest a more favourable leaning towards the extension of buildings in the GB even if the land qualified as previously developed. I therefore attach limited weight to this argument.
17. The appellant submits that the Council have suggested that a replacement dwelling would allow a house to be constructed that is 86% larger than existing, although no specific design details have been provided. However, he concedes that demolishing the existing historical dwelling would be harmful to the character of the area and is not a preferable option. Similarly, whilst it is also submitted that a similar sized extension could be erected under permitted development rights, I have limited details of a specific scheme in mind and only a suggestion that it is a possible option. I thus cannot make a meaningful comparison in either case with the appeal scheme. I also have no evidence to suggest that either course of action is likely to be implemented were this appeal turned away. I therefore do not consider a realistic fallback position has been demonstrated.
18. It is advanced that the extension would make efficient use of potentially contaminated land and paragraph 81 of the Framework is cited in support which refers to opportunities to improve damaged and derelict land. However, the land in question is currently occupied by ancillary domestic outbuildings, does not appear damaged or derelict and the proposal would not present any improvement in this regard. Moreover, that advice is focused on the planning function of local authorities to manage and improve land within the GB, as opposed to a criterion to be applied in the assessment of extensions to buildings. Whilst the proposal would also not conflict with any of the purposes of including land in the GB, this does not render it acceptable and the same could be said of many residential extensions.
19. I understand the appellant's desire to avoid building in closer proximity to the watercourse and elevated land that runs to the rear of the appeal site which I am told, has a history of flooding. However, I have limited information on this issue and also no evidence to suggest that the appeal scheme is the only or indeed most viable option available which could address it. I thus attach limited weight to this particular point.

20. My attention has been drawn to several other examples of extensions to dwellings either approved by local planning authorities or allowed on appeal. However, whilst some diagrammatic information and factual details have been provided, I do not have the full details of those cases and decisions, including for example, when they were taken, under what policy context and other material considerations which have been taken into account. This renders it impossible for me to make a meaningful comparison with the appeal before me, which I must in any event consider on its merits. It follows, that I attach very limited weight to this information.
21. I have found on the main issue that the proposal would amount to inappropriate development in the GB and that it would also give rise to some loss of openness. I attach substantial weight to these findings. Added to this, I have found that the extensions would be excessive in their scale and would visually overwhelm the appeal property, to the detriment of the character and appearance of the area. I also attach substantial weight to this harm.
22. For the appeal to succeed, the combined weight of the other considerations raised by the appellant must be sufficient to clearly outweigh the totality of harm identified. Overall, I conclude that the other considerations raised by the appellant, even taken together, would not clearly outweigh the harm identified. It follows that the very special circumstances necessary to justify the development do not exist. The appeal therefore fails.

ALISON ROLAND

INSPECTOR