



Appeal Decision

Site visit made on 2 September 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/A0665/D/19/3233599

Southbank House, Southbank, Great Budworth, Northwich CW9 6HG

- 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 and Mrs Keiran and Enid Peters against the decision of Cheshire West and Chester Council.
 - The application Ref: 18/04057/FUL, dated 16 October 2018, was refused by notice dated 26 April 2019.
 - The development proposed is proposed extensions and alterations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Since the determination of the planning application the Council has adopted the Cheshire West and Chester Council Local Plan Part Two Land Allocations and Detailed Policies (CWCLP2) on 18 July 2019. The Council have referred to the relevant emerging policies within the CWCLP2 in the decision notice and these policies were not amended in its adoption.

Main Issues

4. These are: 1) Whether or not the proposal would be inappropriate development in the Green Belt; 2) The effect on the openness of the Green Belt; 3) The effect of the proposed development on the character and appearance of the dwelling and whether the proposal would preserve or enhance the character or appearance of the Great Budworth Conservation Area; and 4) If the proposal amounts to inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate development

5. The National Planning Policy Framework (The Framework) states that inappropriate development is harmful to the Green Belt and should not be permitted except in very

special circumstances. Paragraph 145 indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions.

6. The proposed development is for an extension to an existing building. Consequently, the proposed development would fall within sub-section (c) of The Framework. Paragraph 145 is a closed list and the proposal would not fall within the other sub-sections. Sub-section (c) states extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building would not be inappropriate development. Policy STRAT 9 of the Cheshire West and Chester Council Local Plan Part One Strategic Policies 2015 (CWCLP1) applies the restrictions in the Green Belt to apply in line with the Framework.
7. The explanatory text for Policy DM21 of the CWCLP2 notes that the original dwelling is the dwelling as it existed on 1 July 1948 or, if constructed after this date, as it was originally built. The Framework does not define what a disproportionate extension could be. The explanatory text for Policy DM21 notes that extensions generally should not increase the size of the dwelling by more than 30%. This policy is not specific to extensions in the Green Belt.
8. Both parties agree that the original dwelling is that shown on the Site Plan submitted with application ref: 4/00/02277 and I agree with both parties on this matter. The Council have calculated that the external floor area for the original dwelling, including outbuildings, was around 262 sqm. The dwelling has already been extended and combined with this extension the proposals would increase the total floor area to around 736 sqm. The Council have calculated that this equates to around a 180% increase in floor area. I see no reason to dispute the figures provided by the Council.
9. The proposed development would replace the existing single storey conservatory, the smaller brick building single storey extension and the taller garage which is set back against the boundary of the site. The proposed development would replace these smaller buildings with 2, two storey buildings which would be linked together to create a courtyard development to the east of the host dwelling. The proposals would create a closely grouped set of buildings which would have a greater bulk than the existing buildings which are set back from the host dwelling. This would visually increase the size of the property.
10. The appellants note that due to the existing approved extensions the small-scale nature of the original building has been lost and that the original building is no longer easily identifiable. Despite this, the original building is a fixed point in time and the argument that the Council have granted planning permission to extend the property several times does not alter this. The Council concluded that the approved extension (Ref: 19/01732/FUL) was a disproportionate addition to the original building in the Green Belt but found there were other considerations which outweighed the harm that amounted to very special circumstances. The Council granting planning permission for a similar scheme does not justify this proposal.
11. Therefore, considering both the percentage increase and the visual increase, the proposed development would, combined with the already built extensions, amount to a disproportionate addition to the original building. The scheme would not fall within any of the exceptions set out in paragraph 145 of The Framework. The proposals would also conflict with the purposes of keeping land in the Green Belt as it would not safeguard the countryside from encroachment.

12. Taking all of the above points together, I find that the proposed development would constitute inappropriate development in the Green Belt.

Openness

13. The dwelling is located at the end of Southbank which is a narrow road located behind the Grade I Listed St Marys and All Saints Church. The dwelling is set back from the road and the existing extensions are hidden by the host dwelling, as such there are limited views of the extensions from the road. The proposed location of the two, two storey wings of the extension would be grouped around a courtyard and the garage would sit forward of the host dwelling and would as a result be visually more prominent from the road.
14. The dwelling and the garage are visible from parts of the graveyard for the Church, which is open to the public. The dwelling and associated outbuildings are not overly visible from the roads which bound the Church, no including Southbank. The proposals would remove the garage which is currently built up against the boundary wall for the graveyard and is quite prominent. Despite this, the proposed extensions would be taller than the existing extensions and would be more visible from the graveyard. Therefore, the proposed development would have a harmful effect on the visual aspect of the Green Belt.
15. The proposals include the demolition of the existing buildings and would closely group the buildings around a courtyard. Nevertheless, the proposed extension would be larger than the existing buildings and would develop an area that is currently undeveloped. Therefore, the proposals would have a greater impact on the spatial aspect of the Green Belt and represent encroachment in to the countryside, which conflicts with one of the purposes of designating land inside the Green Belt. Thus, the proposed development would have a greater impact on the openness of the Green Belt and would be contrary to paragraph 145 subsection (c) of The Framework.

The effect of the proposed development on the character and appearance of the dwelling and whether the proposal would preserve or enhance the character or appearance of the Great Budworth Conservation Area

16. Southbank House is a locally listed building as identified in the Vale Royal Borough Council Historic Building Survey 1977-1979. The site is also located within the Great Budworth Conservation Area. The Conservation Area covers the entirety of Great Budworth, save for a group of buildings to the north of the village. The dwellings within centre of the village appear to have been built around the 19 Century. The historic core of the village has been compactly developed with the dwellings built up against the roadside with large rear gardens. A common feature within the area is the use of dormer windows and red brick with the 16 Century Grade I Listed Church built from red sandstone.
17. The proposed development would not be prominent when viewed from the Church and would not limit views from the public domain of the Church. The existing garage is built up against the wall for the Church and its demolition would be a benefit to the setting of the Church. Consequently, the proposed development would not result in harm to the listed building or its setting or any features of architectural or historic interest that is possess, which would be preserved.
18. The proposed development incorporates the design characteristics of the host property using similar materials and dormer windows which are common design features used in the host dwelling and the Conservation Area. Despite this, a number

of more modern features including large areas of glazing and a flat roof are proposed as part of the scheme which do not relate well with the host property. These modern features would detract from the character of the host dwelling.

19. As part of the scheme the garage would be brought forward and turned 90 degrees to face the side of the host dwelling, this combined with the central extension would create a courtyard development to the side of the host dwelling. This would tightly group the buildings together. This would result in the two wings of the extension dominating the host dwelling and the extension would not appear subordinate to it. The original building would be lost within the extensions and would no longer clearly be the host dwelling.
20. The ridge height of the two extensions would be below the ridge height of the host dwellings but despite this, the two combined extensions would compete with the main dwelling. This is further exacerbated by the inclusion of a small single storey hallway which connects the extensions to the host dwellings. This makes the extension appear as a separate building which detracts from the appearance of the host dwelling. The courtyard plot layout combined with the scale of the extension would harm the character and appearance of the locally listed building.
21. Consequently, because there is harm to the character and appearance of the locally listed building, the proposed development would therefore fail to preserve the character and appearance of the Conservation Area and thus cause harm to the Conservation Area. However, it should be noted that this harm is lessened because there would be limited visibility of the proposal. As such, this would equate to less than substantial harm having regard to The Framework. Nonetheless this harm must still be given considerable importance and weight.
22. From the information provided, limited public benefits have been identified. The proposals include the removal of the existing extensions which the appellants consider do not relate well to the host property. The proposals would also permit access to the Grade II listed wall that bounds the site which is currently blocked by the existing extensions. The proposed development would also redesign the internal driveway which would make it easier for vehicles to enter and exit the site without going onto the public highway. However, these benefits are not sufficient to outweigh the harm identified, particularly when considering the weight to be given to the conservation of the asset.
23. The scale of the proposed extension would not be subordinate to the host dwelling and combined with the modern design features, the proposal would cause harm the character and appearance of the locally listed building. The proposed development would also fail to preserve or enhance the character or appearance of the Conservation Area. As a result, the proposed development would be contrary to Policies ENV5 and ENV6 of the CWCLP1 and Policy DM21 and DM48 of the CWCLP2 and The Framework.

Other considerations

24. The proposed development would permit the maintenance of the Grade II listed retaining wall that bounds the site that is currently not possible as the existing extension is built up against the wall. Therefore, this would be a benefit of the proposed development.
25. The existing driveway within the plot appeared large enough to turn a vehicle around in without the need to reverse onto the public highway. If a car is required to reverse

onto the road, it is not a busy road and the risk to highway safety would be limited. For this reason, I do not consider the reconfiguration of the parking would have a material impact on highway safety.

26. An application has been approved by the Council to replace the existing extension (Ref: 19/01732/FUL). The approved extension was smaller than that which is proposed as part of this appeal and did not include the proposed garage. The Council considered that this extension would be a disproportionate addition in the Green Belt but found there were other considerations that outweighed the harm, and this amounted to very special circumstances. The Council found that the approved extension would improve the appearance of the dwelling and would permit access to maintain the Grade II Listed wall. Without the proposed garage the approved scheme was also considerably smaller than the proposals before me and consequently this would have less of an impact on the spatial and visual aspect of the openness of the Green Belt. The Council granting planning permission for a similar scheme does not justify this proposal.

Conclusion and Recommendation

27. The proposed development would cause harm to the Green Belt by reason of inappropriateness and I give this substantial weight. Additional weight is given to findings on openness and the purposes of designating land within the Green Belt. The proposal would conflict with at least one of the purposes which is a serious planning objection. I attach significant weight to my findings on character and appearance. The proposed development would therefore be contrary to Policy STRAT 9 of the CWCLP1 and Policy DM21 of the CWCLP2, and The Framework.
28. On the other side, the proposed reconfiguration of the site would permit access to allow maintenance of the Grade II Listed retaining wall. The proposal would also preserve the setting of the Grade I Listed Church. To this factor I attach moderately some weight as there would be significant environmental harm. The changes to the internal driveway would have a neutral impact in the overall balance and neither weighs in favour or against the scheme.
29. The advanced considerations in support of the appeal, whether taken individually or cumulatively, do not, on balance, clearly outweigh the conflict with planning policies designed to protect the Green Belt. The very special circumstances necessary to justify the development do not exist.
30. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

31. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR