



Appeal Decision

Site visit made on 17 September 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/R0660/D/19/3229949

Westpoint, Broadoak Lane, Mobberley WA16 6JR

- 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 Mike LeGallez against the decision of Cheshire East Council.
 - The application Ref 19/1666M, dated 3 April 2019, was refused by notice dated 29 May 2019.
 - The development proposed is for demolition of the garage and rear section, followed by erection of part two storey rear and side extension following the granting of a certificate of lawfulness, reference 18/6209M, for a larger scheme at the same dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council refer to paragraph 44 of the National Planning Policy Framework¹ (The Framework). However, this in all probability, is a typing error and should read Paragraph 144.
3. Within the Decision Notice the Council have not listed plans 302 (refused 18/4458M scheme, area and volume), 303 (current scheme, area and volume) and 304 (size additions). The Officer Report lists application 18/4458M within the planning history and refers to this application within the report. The Council also makes reference to the existing and proposed size. The plans have been listed as those submitted with the application. Therefore, although these plans have not been referenced in the Decision Notice, I believe they have been given consideration within determination of the application. I have also given them full consideration within my decision.
4. The appellant cites policy PG6 relating to the position of the dwelling in the open countryside. Details of this have not been provided and I have afforded it no weight within my decision.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;

¹ National Planning Policy Framework. February 2019.

- the effect of the development on the openness of the Green Belt and the purposes of including land within it; and
- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development in the Green Belt

6. Paragraph 145 of the Framework and Policy PG3 of the Cheshire East Local Plan 2017² (Local Plan, 2017) state that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than for listed exceptions. Paragraph 145(c) allows for extension or alteration of a building if it does not result in disproportionate additions over and above the size of the original building. Saved Policy GC1 of the Macclesfield Borough Local Plan 2004 (Local Plan, 2004) allows for the limited extension or alteration of existing dwellings in the Green Belt in accordance with guidelines contained within Policy GC12.
7. There is an approved Lawful Proposed Development Certificate³ (LDC) for a single storey side extension and a part two-storey rear extension with an approved volume of 236.9 cubic metres (m³). This can be considered as a fallback position. An earlier LDC⁴ was refused which was for a two-storey side extension and part two-storey rear extension (volume 206.7m³). Although plans showing the refused LDC and the current proposal show identical floor areas, the volumes are slightly different and no explanation for this is given. In any case, it is accepted that the volume of the permitted LDC is greater than the appeal scheme before me. The proposal would include demolition of a small existing garage which sits to the side and rear of the property. Due to its small size with respect to the proposal, and its less conspicuous position, its removal would not have a significant effect upon the acceptability of the proposal.
8. The Council state that the increase in floorspace from the original dwelling would be 70% and this is not contested by the appellant. Saved Policy GC12 of the Local Plan, 2004 sets the limit for such extensions as up to 30% of the original floorspace. There is an exception to this policy where the property is in a ribbon of development and the extension would not be prominent. The appellant considers this proposal is not disproportionate and no upper limit to the size applies. Although the current proposal is smaller than the fallback in terms of floorspace and volume, it has a two-storey side element. This, despite being set-back from the front elevation and having a lowered roof-ridge height, would be prominent when viewed from the surrounding area. It would extend the width of the front elevation of the pair of properties altering its appearance and adding to its scale and mass.
9. Notwithstanding any conclusions regarding conflict with Policy GC12, paragraph 145(c) of the Framework and Policy PG3 of the Local Plan, 2017, make more general reference to the "size" of any proposed additions over and above the original host dwelling. The proposed two storey side extension and part two

² Cheshire East Council. Cheshire East Local Plan. Local Plan Strategy 2010-2030. July 2017.

³ Reference 18/6209M.

⁴ Reference 18/4458M.

storey rear extension would, in combination, create a dwelling which was considerably larger than the original. Due to the increased mass and prominence of the proposed side extension it would represent a disproportionate addition which would conflict with both local plan policy and that contained within the Framework. As I do not consider that any of the remaining exceptions within paragraph 145 of the Framework apply to this development, this proposal represents inappropriate development for the purposes of Green Belt policy.

Openness

10. This two-storey, brick-built semi-detached property sits in a prominent roadside position adjacent to Broadoak Lane. There is a similar pair of semi-detached dwellings close by on Broadoak Lane, separated from the appeal site by Beech Avenue. Beech Avenue consists of a single row of dwellings which face on to open fields and extend behind the appeal property. The whole group of dwellings are surrounded by fields and countryside having an open aspect on all sides.
11. The current original dwelling has a modest size which is similar in scale and design to the other half of the pair. The proposal would extend the property to both the side and rear. This would increase its mass and so its impact upon the openness of the Green Belt. The effect would be more noticeable as the proposal would alter the balance which currently exists within this pair of dwellings. The increased mass would be visible from many surrounding aspects including Broadoak Lane. Additionally, the north elevation would have considerably more fenestration at first floor level than existing and a roof light would be incorporated further altering the character of the current building. This would have a harmful effect upon the openness of the Green Belt.
12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy PG3 of the Cheshire East Local Plan 2017, in common with paragraph 144 of the Framework, states that development must preserve this openness. The harm to the openness of the Green Belt I have identified must be afforded substantial weight.

Other considerations

13. The design of the proposal would not harm the character of the host property, nor would it harm the living conditions of neighbouring occupiers. It would allow additional bedroom and downstairs living space for the occupants which would improve their living conditions. However, this is a private benefit which I afford limited weight. I give moderate weight to the presence of the fallback position which has a greater volume than the proposal and which the appellant states would be likely to be implemented. No other considerations which would weigh in favour of the development have been put forward by the appellant.

Green Belt Planning Balance

14. The proposal has been found to constitute inappropriate development in the Green Belt and the Framework indicates that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The harm I have identified to the openness of the Green Belt also carries substantial weight.

15. The presence of a possible fallback position with a single storey side extension and part, two-storey rear extension carries moderate weight. However, the proposal before me would include a two-storey side element and despite the proposal as a whole having a lesser volume than the fallback position, it would have a greater impact upon the Green Belt as discussed above. Additionally, the fallback proposal, in contrast with this appeal, was determined within the context of an LDC and is not subject to Green Belt policy. Consequently, the other considerations which arise have only moderate weight in favour of the proposal and do not outweigh the totality of the harm due to the loss of openness to the Green Belt. The very special circumstances necessary to justify the development do not exist. The proposal conflicts with GB5 of the UDP and the Green Belt policies within the Framework when taken as a whole.
16. For the reasons given, I conclude that the appeal should be dismissed.

E Symmons

INSPECTOR