
Appeal Decision

Site visit made on 9 June 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2020

Appeal Ref: APP/A0665/D/20/3250597

Hunters Lodge, Cogshall Lane, Little Leigh, Northwich, Cheshire CW9 6BP

- 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 Mrs Catherine Gerrard against the decision of Cheshire West & Chester Council.
 - The application Ref 19/03905/FUL, dated 20 October 2019, was refused by notice dated 16 January 2020.
 - The development proposed is a first-floor extension to existing dwelling and provision of storm porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. Whether the proposal is inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework.
 - ii. The effect upon the openness of the Green Belt.
 - iii. The effect of the development on the character and appearance of the area.
 - iv. If the development is inappropriate whether the harm, by reason of inappropriateness, is outweighed by any other considerations which amount to very special circumstances.

Reasons

Whether the proposal is inappropriate development

3. The appeal site lies within the North Cheshire Green Belt.
4. Paragraph 143 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include at point c) 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.

Point 5 of Policy DM21 of the Cheshire West and Chester Council Local Plan (the Local Plan) is consistent with this.

5. I note there is planning record the property has been substantially previously extended. The Council calculate that the dwelling is presently approximately 55% larger than its 'original size' and that the proposed development would take this figure to approximately 68%. The Council's calculations do not specify if this is a floor area increase or a volume increase but considering most of the host dwelling is already two-storey I would expect the calculated values for volume or floor area to be broadly similar in any event. I also note that a detached double garage has been discounted from the Council's calculation, which I agree is appropriate as this is not part of the appeal building.
6. The explanation text beneath Local Plan Policy DM21 at Paragraph 12.21 sets out that subordinate and small-scale extensions should not exceed the size of the dwelling by more than 30%. I acknowledge the size of the 'original house' is disputed by the appellant but there is no evidence submitted to suggest why the calculations of the Council are erroneous. Factoring the planning history listed in the Council's delegated report I accept that the Council's calculations are realistic, and that the property is already over half as large as originally built.
7. The cumulative increase above the dwelling's original size is significant. One of the fundamental aims of the Green Belt advised by the Framework is to preserve its openness. The proposal owing to its size and mass would result be a disproportionate addition over and above the size of the original building.
8. Therefore, I conclude the development would be inappropriate within the Green Belt. The development does not meet Paragraph 145 criteria (c) of the Framework or Policy DM21 Point 5.

Openness

9. Openness is an essential characteristic of the Green Belt. The development would introduce additional built form and bulk within the Green Belt by enlarging an existing dwelling that has already been previously extended. Although the loss of openness that would be directly attributable to the appeal scheme would not be great in itself, it would significantly add to the cumulative bulk of the property. The physical presence of the development within the confines of the site and the resultant reduction in openness is therefore harm which weighs against the proposal.

Character and appearance

10. The appeal property is a large detached dwelling located within an attractive verdant rural setting. There are other similar sized properties in the immediate vicinity, sparsely scattered within the landscape.
11. The development would be obscured from wider public vantage points along the highway by existing boundary trees. As a result, the main views of the extension would be those from within the dwelling's garden and open fields beyond.
12. I note the proposed first-floor extension would have a lower roof ridge height than that of the appeal property and it would link together two distinctive existing two-storey parts of the dwelling presently joined by a central single

storey link. Because of the proposed extensions lower roof ridge height coupled with utilising the same footprint of the single storey link, it would be visible as a sympathetic addition from vantages within and towards the domestic curtilage. Furthermore, the proposed porch would be discretely positioned modest change. It is also the case that matching external facing materials would integrate the development with the appearance of the main dwelling when viewed in totality.

13. For these reasons, whilst I acknowledge that the appeal dwelling has already been significantly extended, I do not consider that the development would appear incompatible with its appearance or the character of the domestic plot it would be observed within.
14. Accordingly, I conclude the development would not be harmful to the character and appearance of the area. The proposal complies with the Local Plan with respect to Policy ENV2 which requires that development should take full account of the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site; Policy ENV6 which promotes sustainable, high quality design and construction; Policy STRAT9 which advises that development must be of an appropriate design to not harm the character of the countryside; and the spirit of Policy DM21 insofar as resulting development is in keeping with the character and appearance of, and is subordinate to, the original dwelling and surrounding properties, and the wider setting. As well as paragraph 127 (b) of the Framework which requires development proposals to be visually attractive.

Other considerations

15. I have found that the proposal is inappropriate development within the Green Belt and harmful to its openness. Paragraph 144 of the Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. Whilst I acknowledge that the extension is required by the appellant to meet family occupation needs, it is probable the extension would be in situ for far longer than those needs subsist. Therefore, such justification carries little weight to my decision. The appellant also refers that the volume of the extension would be less than that which could be achieved using permitted development rights, but there are no specific details beyond that, in any event I have considered the specific merits of the scheme solely before me. In addition, the restriction of permitted development rights would not overcome my fundamental concerns to the proposal as a disproportionate addition.
17. In conclusion none of the considerations put forward, either individually or collectively, amount to 'very special circumstances' and I do not consider that any exist to allow the harm arising from inappropriate development within the Green Belt. The development conflicts with the Council's Local Plan with respect to Policy SRAT 9 which states that the general extent of the North Cheshire Green Belt will be maintained, Policy DM21 Point 5 which requires resulting development not to result in disproportionate additions over and above the size of the original building and the provisions of the Framework which seek to maintain the openness of the Green Belt.

Conclusion

18. For the above reasons I dismiss the appeal.

M Shrigley

INSPECTOR