



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: 13 July 2020

Appeal Ref: APP/A0665/D/20/3251379

71 Delamere Park Way West, Cuddington, Northwich CW8 2UL

- 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 L Johnson against the decision of Cheshire West & Chester Council.
 - The application Ref 19/04412/FUL, dated 11 December 2019, was refused by notice dated 24 March 2020.
 - The development proposed is a first-floor extension over existing garage, study and porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development within the Green Belt considering the development plan and the National Planning Policy Framework (the Framework); including the effect to the openness of the Green Belt;
 - The effect on the living conditions of the occupants of 24 and 25 Threeways with particular regard to outlook;
 - The effect on the character and appearance of the area;
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by any other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development

3. The appeal site lies within the North Cheshire Green Belt. 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. This exception also forms criterion 5 of Policy DM21 of the Cheshire West and Chester Council Local Plan (the Local Plan).
4. The Council calculate that the extension if built would lead to the dwelling being approximately 33% larger than its 'original size'. I note the appellants do not dispute this. The Council's calculations do not specify whether this is a floor area increase or a volume increase. But given the host dwelling is already mostly two-storey I would expect the values for additional volume or floor area to be broadly similar. The explanatory text beneath Local Plan Policy DM21 in Paragraph 12.21 sets out that subordinate and small-scale extensions should not exceed the size of the dwelling by more than 30%.
 5. I have considered the size and dimensions of the extension and acknowledge the threshold used by the Council is an established practice and based on an adopted policy of the development plan. Therefore, I agree the extension is a disproportionate addition.
 6. One of the fundamental aims of the Green Belt advised by the Framework is to preserve its openness. The proposal would introduce additional built mass and bulk to the dwelling, but the effect would be viewed in the context of an established housing area where the level of harm would be limited. The size of the extension is also only marginally beyond a threshold level to what is usually deemed not to be disproportionate. Nevertheless, the physical presence of the extension as inappropriate development would still reduce openness.
 7. Therefore, I find that the proposal would constitute inappropriate development within the Green Belt and would also be harmful to its openness. The development does not meet Paragraph 145 c) of the Framework or Policy DM21 criterion 5 of the Local Plan. It would also conflict with Policy STRAT 9 of the Local Plan which states that the general extent of the Green Belt will be maintained.

Living conditions

8. Numbers 24 and 25 Threeways have habitable windows and rear gardens facing towards the host property. From my site visit I note the layout of the estate is designed so that two storey development is not overly conspicuous from the perspective of neighbouring curtilages which feature modest sized gardens. In this regard the side gable of the host property currently faces the rear of 24. The existing pitched roof of the garage is perpendicular to the gable. Most of the rear external wall of the garage belonging to the host dwelling is screened from neighbouring vantages by existing boundary treatments, with its roof slope rising above those.
9. The scale and mass of the extension if erected on top of the garage would introduce a large and continuous two-storey built mass over double the width of the existing gable. The change would form a prominent two-storey structure when viewed from the neighbouring rear curtilages adjacent, substantially enclosing their gardens. The resultant structure would be noticeable in the skyline and have an oppressive effect particularly when residents use their private outdoor space. Owing to the proximity of the extension relative to 24 and 25 Threeways its overall height and scale would appear unduly dominant and overbearing.

10. The extension has no first-floor rear windows and the proposed side window would be obscurely glazed with no opening section lower than 1.7 metres above the finished floor level. Whilst that would no doubt help to maintain neighbouring privacy the overall scale of the development would still otherwise result in significant harm to neighbouring outlook as a result of its size and proximity.
11. Therefore, I find that the development would harm the living conditions of the occupiers of 24 and 25 Threeways with particular regard to outlook. It would conflict with Parts 1 and 2 of the Local Plan with respect to Policies SOC5; DM2 and DM21 (criterion 2) which seek to prevent harm to residential amenity, safeguard the quality of life of residents and to protect against significant adverse effects on the amenities of nearby residential properties.

Character and appearance

12. The host dwelling is a detached two-storey property. Other properties in the immediate vicinity have a varied appearance, within a verdant setting.
13. The extension would occupy the area above an existing attached pitched roof garage and would have a marginally lower roof ridge height than that of the main dwelling house. Factoring the overall size of the extension it would not be a subordinate addition.
14. However, given the 'L' shaped detached footprint of the dwelling which is significantly set back from the highway with tall trees limiting direct views, the overall dimensions of the proposed extension would not harm the appearance of the host property. Furthermore, matching facing materials can be utilised to integrate the development with the main dwelling house and other properties in the setting.
15. The appellants refer to examples of several other historical first floor and two-storey extensions in the Delamere Park area. Whilst those examples display differing design elements compared to the proposal and are beyond the immediate street-scene of the appeal property, I accept that the extensions referred to are part of the prevailing character of the residential estate.
16. On balance the proposal would not harm the character and appearance of the area. As such it would accord with Policies ENV6; DM3; and DM21 (criterion 1), of the Local Plan which require high quality design, achievement of a sense of place, as well as respect to local character and appearance. It also accords with Policies 14 and 15 of the Cuddington Parish Neighbourhood Plan 2015 -2030 which seek that new development reflects the design of the surrounding neighbourhood in terms of scale and materials, as well as reinforcing local character and identity. I find no conflict with the Vale Royal Supplementary Planning Guidance 3: House Extensions – A Design Guide (SPG3) which sets out principles to encourage acceptable design.

Other considerations and the Green Belt balance

17. I have found that the proposal is inappropriate development within the Green Belt. The Framework at paragraph 144 states 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.

18. The appellants suggest other historical extensions in the area set precedent for the appeal proposal to be allowed. However, most of those examples were permitted some time ago under a preceding development plan therefore I cannot be certain that the circumstances that led them to being built are directly comparable to the appeal case before me. Whilst the example at 17 Delamere Park Way East is more recent, I do not have the full details with respect to the application of Green Belt policy. In any event I have judged the proposal on its own merits relative to the Council's current development plan. Therefore, I attribute little weight to those examples as reasons to set aside the harm I have identified which would result from allowing inappropriate development.
19. I acknowledge that the appellants also suggest a range of advantages arising from the proposal with respect to:- the existing garden space would remain uncluttered; the proposal maintains existing green and blue infrastructure in the area as a result; and the extension would be well insulated and constructed to improve energy efficiency at the host property. Whilst I have carefully assessed these points, they equate to quite widespread and modest advantages, which do not individually or collectively amount to very special circumstances referred to in the Framework. Nor do they outweigh the harm I have identified.
20. In overall conclusion I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

21. For the reasons given above I dismiss the appeal.

M Shrigley

INSPECTOR