
Appeal Decisions

Site visit made on 4 August 2020

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal A: APP/A0665/W/20/3246209

Primrose Cottage, Hooton Green, Hooton, Ellesmere Port CH66 5ND

- 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 Peter Hughes against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01075/FUL, dated 18 March 2019, was refused by notice dated 13 November 2019.
 - The development proposed is rear and side extensions to existing semi-detached cottage.
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Appeal B: APP/A0665/Y/20/3246210

Primrose Cottage, Hooton Green, Hooton, Ellesmere Port CH66 5ND

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Peter Hughes against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01076/LBC, dated 18 March 2019, was refused by notice dated 13 November 2019.
 - The works proposed are rear and side extensions to existing semi-detached cottage.
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Decision

1. The appeals are dismissed.

Main Issues

2. A main issue in both appeals is the effect of the proposed extensions on the special architectural and historic interest of 4 Hooton Green which is Grade II listed.
3. In Appeal A there are also the following main issues:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt, and;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

The Listed building

4. 4 Hooton Green is one of a pair of Grade II listed cottages (3 & 4 Hooton Green) dating from the early 19th Century. 1 & 2 Hooton Green are also Grade II listed and are of the same design and age. The front elevations of this group of properties remain largely unaltered retaining their narrow form and featuring gothic headed casement windows with interlaced glazing bars at ground and first floor. Whilst the properties have each been extended in various ways this has mainly been to the rear which has preserved the impression of their historic modest form when viewed from the front. No 4 has been extended to the side but only at single storey level. These cottages were historically workers' cottages and part of their significance is derived from their modest appearance.
5. The proposed extensions would be wider than the historic front part of No 4 meaning that the two-storey side extension would be visible from the front of the property due to it projecting out to the side. Despite its set back this would still significantly alter the appearance of the property, particularly when viewed from the front, detracting from its otherwise narrow and modest front elevation. It would also set it apart from the group of properties as a whole; none of which have been extended in this way.
6. For this reason the proposal would cause harm to the special architectural and historic interest of No 4. It would also conflict with Policies ENV5 of the Cheshire West and Chester Local Plan (Part One) and DM47 of the LP2 which seek to protect Listed buildings. The harm I have found would be 'less than substantial' given the scale of the proposed extension. As per para 196 of the Framework less than substantial harm should be weighed against the public benefits of the proposal.
7. The appellant has put to me that the proposal would improve the appearance of the property in line with others in the group, consolidating the design and detailing of extensions to the property over and above the existing, and that it would balance and unify the group appearance of the properties. However, for the reasons set out above, I disagree. This matter, therefore, only carries limited weight as a public benefit and as such is not sufficient to justify the harm that would be caused; harm which must be given considerable importance and weight in the balancing exercise. This is sufficient on its own to warrant the dismissal of both appeals.

Green Belt

8. The Framework sets out that the construction of new buildings in the Green Belt is inappropriate. This is subject to a number of exceptions which includes the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy DM21 of the Cheshire West and Chester Council Local Plan (Part 2) Land Allocations and Detailed Policies (LP2) echoes this. The Framework does not specify what constitutes a disproportionate addition, but the supporting text to Policy DM21 sets out that as a general guide, subordinate and small scale extensions should not increase the size of the original dwelling (as it existed on 1 July 1948) by more than 30% (assessed by the net increase in floorspace as measured externally).

9. The property has been extended since 1 July 1948 with rear two storey and single storey extensions which have already significantly increased the floor space of this modest property. The proposed extension would further increase the floor space of the property resulting in disproportionate additions over and above the size of the original building, well in excess of the general guidelines set out above. I therefore find that the proposed extensions would represent inappropriate development in the Green Belt contrary to the Framework and Policy DM21 of the LP.
10. I am aware that the other properties in the group have been extended to a similar size or larger than the proposal before me, largely in the form of deep rear extensions. However, I do not have full details of these permissions before me and it is clear that local planning policy has changed in recent years regarding extensions in the Green Belt. Consequently, I must determine the appeal before me in line with current planning policy.

Openness

11. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to prevent urban sprawl by keeping land permanently open. The proposal would introduce additional built form into an area which is currently open which would inevitably lead to a loss of openness, thereby resulting in harm to the openness of the Green Belt.

Other considerations

12. I understand the appellant's desire for three double bedrooms at first floor and an upstairs bathroom as his two adult children are currently living here due to their respective personal circumstances. However, the evidence before me does not suggest that these are likely to be permanent living arrangements for the family. I therefore afford this moderate weight.
13. Whilst I note that No 3 does extend slightly over the rear of No 4 the side projection of the proposed extension is well in excess of this, therefore, this does not, of itself, justify the scale of extensions proposed and as such affords only limited weight. Finally, I note that the appellant considered any concerns on the part of the Council's Conservation Officer had been overcome, and that there were no objections from occupiers of neighbouring properties, but these matters do not override my findings above.

Conclusion

14. I have found that the proposal would harm the special architectural and historic interest of No 4 and such harm must be given considerable importance and weight. My conclusion in this regard is sufficient on its own to dismiss both appeals. Furthermore, in Appeal A I have also found that the proposal would be inappropriate development in the Green Belt and would have an adverse impact on openness. Substantial weight should be given to harm to the Green Belt alongside the other harm I have found to a heritage asset which itself must be given considerable importance and weight. These harms are not outweighed by the other considerations put forward by the appellant, such that very special circumstances have been demonstrated.

15. The appeals are therefore dismissed.

Hayley Butcher

INSPECTOR