
Appeal Decision

Site visit made on 29 May 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2020

Appeal Ref: APP/A0665/D/20/3248117

Wembrook, Belle Vue Lane, Guilden Sutton, Chester CH3 7EJ

- 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 Erin Kanapathipillai against the decision of Cheshire West & Chester Council.
 - The application Ref 19/03859/FUL, dated 21 October 2019, was refused by notice dated 3 February 2020.
 - The development proposed is described as change of roof from hip to gable to accommodate new loft conversion.
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Procedural Matter

1. The parties agreed to change the description to "alterations to roof – amendment to application 18/04216/FUL". The Council made its decision on this basis and I have done the same.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the host dwelling and character and appearance of the area, having particular regard to size, scale, massing, design and siting.
 - if the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. The site comprises a detached bungalow located on the western edge of the built-up area of Guilden Sutton, which lies within a designated Green Belt.
5. Paragraph 145 of the Framework states that new buildings in the Green Belt should be regarded as inappropriate development. Exceptions to this include the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building. Policy STRAT9 of the Cheshire West and Chester Local Plan (Part 1): Strategic Policies (2015), (LP1), defers to the Framework in matters of Green Belt policy and is therefore consistent with its approach. Policy DM 21 of the Cheshire West and Chester Local Plan (Part 2): Land Allocations and Detailed Policies, (LP2), also includes the same exception regarding extensions.
6. As noted by the appellant, neither the Council's policies nor the Framework define disproportionate in relation to extensions within the Green Belt. In the explanation of Policy DM 21 it is stated that, as a general guide, subordinate and small-scale extensions should not increase the original dwelling by more than 30%; and in the Council's Supplementary Planning Document: House Extensions (2006), (SPD), it is stated that extensions should remain subordinate to the original dwelling, and that a 30% increase in floorspace is considered to be subordinate. Hence, in my view, the Council policy and guidance advise on what would be 'subordinate' extensions, whether in or out of the Green Belt, not 'disproportionate'. It is therefore a matter of judgement based on the size of the alterations only.
7. The appellant suggests that the proposal would not harm the five purposes of including land within the Green Belt, and this should be material in determining whether the development is inappropriate or not. However, this is not the case. The development exception refers only to the matter of size.
8. I have not been provided with details of the size of the original dwelling or the resultant property should the appeal be allowed. The Council Officer's report says that the existing extension at the rear of the property has increased the floor area of the original dwelling by around 60%, adding that the proposal would add a further 34 cu m, which would equate to a 70% increase in size. It is not entirely clear from the Officer's report if the 70% figure relates to floorspace or volume. Notwithstanding this, the appellant has not challenged the contention that the existing extension resulted in a 60% increase in floor area, and I have no grounds for doing so either. Although I have no figures, the existing extension constitutes a substantial increase in both the volume and floor area of the building.
9. However, although the 30% figure referred to above is not decisive, based on the figures provided and my observations on site, I still consider that the proposed extension, when combined with the existing alterations, would result in a disproportionate addition to the size of the original building. I therefore conclude that the proposal would constitute inappropriate development in the Green Belt, which is harmful by definition.

Openness

10. Paragraph 133 of the Framework advises that the essential characteristics of Green Belts are their openness and permanence. The SPD states that, with regards to house extensions within the Green Belt, particular attention should be paid to ensuring they retain levels of openness.
11. Within the context of Green Belt policy openness can refer to both spatial and visual aspects. The proposal would change the existing hipped roof to gable and insert 2 dormers in the front facing roof slope. This would result in an increase in volume and bulk that would moderately reduce the spatial openness of the Green Belt.
12. As regards the effect of the proposal on visual openness, given that there would be no increase in the footprint or roof ridge height of the property, and modest sized gaps would remain between the dwelling and the neighbouring properties either side of it, I consider that the proposal would have a discernible but limited impact on the visual openness of the Green Belt.
13. Considering the above, I conclude that the proposal would result in only a moderate degree of harm to the openness of the Green Belt.

Effect on the host dwelling and the character and appearance of the area - other harm

14. Guilden Sutton is a built-up area, consisting mainly of residential development. Belle Vue Lane consists of a mix of 2-storey, 1.5-storey and single-storey detached properties, several of which have gable ends and front dormers. The immediate neighbouring property south of the appeal site, 'Windy Nook', is a dormer bungalow. The residential development across the wider area comprises detached, semi-detached and short rows of terraced dwellings, most of which are 2-storey.
15. Policies DM 21 and DM 3 of LP2, and ENV 6 of LP1 allow for extensions to existing dwellings, subject to, among other things, ensuring that the resultant development is in keeping with the character and appearance of, and is subordinate to, the original dwelling and surrounding properties, and the wider setting. The issue of subordination is separate to the disproportionality Green Belt test. As noted, the explanation of Policy DM 21 states that extensions should not increase the size of the original dwelling by more than 30%. The SPD also advises that an increase in floorspace of up to 30% of the original building would be considered to be subordinate. I note that the SPD also states that planning permission will not automatically be refused if a proposal does not accord with this, provided it has been demonstrated why there is no demonstrable harm.
16. The original building was a modest sized detached bungalow. As the previous extension increased the floor area by around 60%, and inevitably the proposal would further increase its size, due to the existing extension it would therefore not be possible for the proposal to meet the 30% guidance outlined in the explanation of Policy DM 21 or the SPD. In this regard, there is arguably a degree of conflict with the policy.
17. However, given the designs and sizes of surrounding properties, and that the proposal would not increase the footprint of the property or raise its ridge height, I conclude, with regard to size, scale, massing, design and siting, that

the proposal would result in the host property still being readily perceived as a bungalow and that it would be in keeping with surrounding properties and the character and appearance of the wider area. Therefore, notwithstanding the technical conflict with the guidance in Policy DM 21, in this case the development would not result in conflict with the primary requirements of the policy itself. The proposal would also accord with policies DM 3 of LP2 and ENV 6 of LP1 and would not undermine the overall guidance in the SPD.

Other considerations & very special circumstances

18. When determining applications, the Framework advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations. The appellant has outlined several other considerations, which are discussed below.
19. It is contended that Guilden Sutton is a substantial built-up settlement in the Green Belt and that this should be borne in mind when assessing the effect of the proposal on openness and the purposes of including land within the Green Belt. I agree that the context needs to be borne in mind as part of the assessment. However, the fact is that Guilden Sutton is within the Green Belt and there is nothing in the Framework which suggests different weight should be given to harm within different parts of it. I recognise that the proposed development is not large-scale and that impacts on the five purposes would be minimal. However, this does not alter the fact that the proposal is inappropriate and that there would be some harm, all-be-it to a moderate degree, on openness. As such, the Framework is clear that the development is harmful to the Green Belt and that such harm should be given substantial weight.
20. The appellant considers that the design of the proposal would enhance the appearance of the property and result in it being in-keeping with surrounding properties and the wider area. The proposal would be in keeping with the host property, surrounding properties and the character and appearance of the area. However, I disagree with the appellant's assertion that the proposal would enhance the existing dwelling in a manner that weighs in favour of the proposal. Local and national policy require development to be of high-quality design and to respect the character and appearance of the area. I therefore consider this aspect to be a neutral factor.
21. It is suggested that the Council's decision to grant planning permission on the neighbouring property, 'Windy Nook', is inconsistent with its decision on the current proposal. In the case of 'Windy Nook', it appears that the Council concluded that the proposal was inappropriate development in the Green Belt, but concluded that very special circumstances existed due, largely, to there being a valid fallback position. The Council do not consider a fallback exists in this case. On the face of it, this suggests that there has been no inconsistency in the Council's approach.
22. The appellant disputes the Council's conclusions regarding a fallback, contending that the hip to gable roof alteration constitutes permitted development under Class B of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. If this were the case, then only the dormers would need planning permission. Furthermore,

the appellant contends that they could insert sky-lights in the front roof slope under PD rights. Consequently, it is contended that the only difference between the proposal and what could be carried out without planning permission is the 2 dormer windows.

23. The previous extension was a two-storey rear extension. However, it evidently included altering the roof, which resulted in increasing its size. With regard to Class B, B.3 makes it clear that any enlargement to the original roof space is to be taken into account when calculating the resulting roof space for the purposes of Class B.
24. I have not been provided with details of the cubic content of the roof space of the original dwelling or what it would be if the appeal was allowed. As noted, the Council Officer's report states that the proposal would result in an increase of 34 cu m; it also states that the proposal could not be implemented under permitted development rights due to the previous extension. An alteration to a roof under Class B cannot exceed 50 cu m. If the overall resultant roof space would exceed this then, in addition to the dormers, the roof alteration proposed would not satisfy the criterion in Class B. If this were the case, the roof alteration as proposed could not be constructed under PD rights. In the absence of any accurate assessment of the extent to which the proposal and the previous extension would increase the cubic content of the roof, it has not been demonstrated that there is a legitimate fallback. On this basis, I therefore attribute no weight to this consideration or the 'Windy Nook' extension.
25. I have concluded that I consider the development to be inappropriate development in the Green Belt. Notwithstanding my conclusions regarding openness and character and appearance, in accordance with the Framework, substantial weight is attached to any harm to the Green Belt. I conclude that the harm by reason of inappropriateness has not been clearly outweighed by the other considerations identified above. As such, there are no very special circumstances that justify the development. Consequently, the proposal does not accord with policy STRAT9 of LP1 or Green Belt policy as outlined in the Framework.

Conclusion

26. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR