



Appeal Decision

Site Visit made on 9 November 2020 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Andrew Owen MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2020

Appeal Ref: APP/A0665/D/20/3258510

Hillwood House, Overleigh Drive, Eccleston, Chester, CH4 9HW

- 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 R Martland against the decision of Cheshire West and Chester Council.
 - The application Ref 20/01607/FUL, dated 12 May 2020, was refused by notice dated 17 July 2020.
 - The proposed development is "demolition of existing conservatory and the erection of an orangery and single storey extension".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - whether the proposal 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 on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of Hillwood House and the surrounding area.
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

4. The appeal site, which lies within the designated Green Belt, is a previously extended, detached two storey brick built dwelling with attached ancillary accommodation. It is set in extensive grounds with substantial landscaping and is therefore screened from public vantage points.

5. The proposal includes the replacement of the existing rear conservatory with an orangery of a similar size and a single storey side and rear extension.
6. The Framework establishes that new buildings in the Green Belt are inappropriate, except in certain circumstances, including where they involve an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building as set out in paragraph 145c.
7. The Framework does not explain what a disproportionate addition is. However, Policy DM21 of the Cheshire West and Chester Local Plan Part Two (CWCLP2) seeks to protect the Green Belt by, as a general guide, limiting the sum of additions to the original property to not more than 30% of the original dwelling.
8. Both parties agree that the volume of the original building has been increased through previous extensions and that the appeal proposal would further increase the volume which, in combination with the previous extensions, would represent a disproportionate increase in the volume of the original dwelling.
9. Consequently, the proposal would not fall within the exception set out in paragraph 145c of the Framework. It would therefore be inappropriate development in the Green Belt.
10. In accordance with paragraph 143 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness and permanence are essential characteristics of the Green Belt.
12. I note that the proposed extension would be located on the current patio area at the rear and side of the property and would not project into the wider garden. The proposal would increase the mass and footprint of the building at ground floor level and therefore in spatial terms this would lead to some, albeit limited, harm to openness.
13. The appeal property is currently largely screened from the road and public vantage points with a mature hedgerow and trees. In visual terms the effect on openness would be minimal.
14. Therefore, in terms of the effect of the development on the openness of the Green Belt as a whole, the harm would be limited. Nonetheless, the Framework is clear that substantial weight should be given to any harm.

Character and appearance

15. The proposal would extend the corner of the property both to the rear and the side to create a larger family room. This would result in a more sprawling and irregular footprint and increased massing of the ground floor, particularly due to the increased width resulting from the side extension. With the previous extensions this would result in a larger dwelling that would not respect the form, character and appearance of the original dwelling.

16. For the reasons set out, the proposal would therefore harm the character and appearance of the host dwelling and would be contrary to Policy ENV 6 of the Cheshire West and Chester Local Plan Part one (CWCLP1) and Policy DM3 of the CWCLP2, which together seek to ensure that extensions respect the scale of, and are in keeping with, the original building and wider area.
17. Policy SOC3 of the CWCLP1 and policy DM20 of the CWCLP2 seek to ensure that a mix of housing sizes and types are built in the area. As the proposal does not add additional bedrooms to the property these policies are not determinative in this case.
18. The site is located within Eccleston Conservation Area (CA). The Council do not raise an objection in terms of the impact on the character and appearance of the CA and from all I have seen and read I have no reason to consider otherwise.

Other considerations

19. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
20. I note that there is a Lawful Development Certificate for the demolition of the existing conservatory and the erection of a rear single storey orangery¹. From the information before me it would appear that the replacement orangery would extend across the rear of the host dwelling.
21. Should the appeal fail I am satisfied that there is a reasonable prospect that the extension outlined above would be built. Consequently, this represents a viable fallback position. However, the degree of weight to be given to the fallback position depends on whether or not the fallback position would be equally or more harmful than the scheme proposed.
22. Whilst slightly larger than the appeal proposal, the fallback is in a different position to that considered by this appeal as it does not include any side extensions and so does not widen the footprint of the host dwelling. In addition, it is less deep than the existing conservatory.
23. For these reasons the proposal, although spatially smaller, would have a greater visual impact on openness. Consequently, the fallback position carries only modest weight in favour of the proposal.
24. I acknowledge the appellant's requirement for additional living space within the property which would also be enjoyed by future occupiers. Whilst the proposal would provide enhanced living conditions for a family, this benefit of the proposal attracts limited weight in its favour.
25. In addition, both parties have indicated that they consider the proposal would not harm the living conditions of other nearby residents, or impact on highway safety. From what I have seen and read I have no reason to come to a different conclusion on these matters. However, they are neutral matters in the planning balance rather than carrying weight in favour of the scheme.

¹ 20/00947/LDC

Green Belt balance and Conclusion

26. For the reasons set out above, the development constitutes inappropriate development in the Green Belt. Furthermore, there would be limited harm to the openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. In addition to that is the harm to the character and appearance of the dwelling, which carries significant weight against the proposal.
27. The other considerations, discussed above, put forward in support of the proposal attract moderate weight in favour of the proposal. Consequently, they do not clearly outweigh the substantial harm to the Green Belt. Therefore, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such the proposal would conflict with the Framework, and Policy STRAT9 of the CWCLP1 and policy DM21 of the CWCLP2 which seek to protect the Green Belt.

Recommendation

28. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR