



Appeal Decision

Site Visit made on 23 February 2021

by **A Blicq BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2021

Appeal Ref: APP/A0665/D/20/3264758

Oak Lodge, Barbers Lane, Antrobus, NORTHWICH, CW9 6JT

- 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 Chris Thomson against the decision of Cheshire West and Chester Council.
 - The application Ref 20/02214/FUL, dated 26 June 2020, was refused by notice dated 19 November 2020.
 - The development proposed is Proposed Ground and First Floor Rear Extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the 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 development on the character and appearance of the area; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

3. The Framework states that inappropriate development in the Green Belt is harmful, and that substantial weight should be given to that harm. However, Paragraph 145 lists exceptions including 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.
4. The original dwelling appears to have been a modest two storey pebbledash dwelling with slate roof and simple rural vernacular form with a one and a half storey outbuilding, built of similar materials and in a similar style, to the rear.
5. A series of brick and glazed extensions has been added in a rather random fashion to the original dwelling, also creating a ground floor link between the original dwelling and the former outbuilding with a conservatory and playroom.

The piecemeal approach to incremental development is seen in the highly confused and varied typology. The extensions and alterations fail to relate to each other or the host building in either form or materials.

6. The Council notes that the original dwelling has already been extended by around 85 per cent and this is not disputed. In any context, an increase of 85 per cent would be considered to be a disproportionate addition. There has also been a substantial increase in the size of a former garage and stable block.
7. As such the proposals would constitute inappropriate development in the Green Belt and would be contrary to Paragraph 145 of the Framework, as well as Policy DM 21 of the Local Plan (LP). The development would also fail to meet any of the exceptions set out in LP Policy STRAT9 with regard to development in the Green Belt.

Character and appearance

8. As noted above the current dwelling is an eclectic mix of piecemeal additions, which have largely subsumed
9. Oak Lodge's original structure and typology. This is particularly apparent on the east elevation with its combination of small single storey extensions with differing roof heights and ridge directions, and a narrow two storey extension adjacent to the central porch which appears to have filled in a former rebate in the dwelling's footprint. From the west, the long conservatory provides a more coherent link between the original dwelling and the clearly subservient former outbuilding.
10. I also noted that the drawings are incomplete with several major features such as windows to habitable rooms, a long sun lounge and timber and glazed porch, not shown at all on the elevations. There also appears to be a staircase omitted from the ground floor plan of the former outbuilding. Whilst the incomplete evidence does not weigh against the appeal it means the proposals are not shown in their true immediate context and the drawings do not reflect the actual situation.
11. The development would add a rather over-scaled gable at first floor level on the east and west elevations. Its roof pitch would be shallower than either that of the original dwelling or the former outbuilding's roofs, and the wall would contain window openings which would be unrelated to the arrangement or size of other window openings. Moreover, the width of this gable would appear oversized relative to the original dwelling and the size of the window on its eastern elevation would appear inappropriately grand and formal in the context of the utilitarian door underneath.
12. The development would fill in much of the void that currently separates the original dwelling and the former outbuilding, and would fail to reflect their typology, proportions or scale. It would add further to the apparent randomness of incremental development on the site. I conclude that the proposals would reflect Oak Lodge's character and appearance only insofar as it is very difficult to ascertain an underlying character. I appreciate that the appeal statement contains a building appraisal but I find it considerably overstates the current building's architectural merits.
13. LP Policy DM21 states that extensions will only be allowed if they meet listed criteria. These include that the development is subordinate to the original

dwelling and in keeping with its character and appearance. Despite the previous additions, the subservience of the existing extensions linking the original dwelling to the former outbuilding is apparent. What is proposed would fill in that void, and would not be subservient. It would also add new building forms which would be largely unrelated to the underlying typology. There would be no rationalisation or unifying features.

14. Oak Lodge is not particularly visible from the lane and glimpsed views comprise largely the original pebbledash facades of the southern and eastern elevations through and between garden and verge vegetation. To the rear the plot abuts open fields and there are glimpsed views at distance from nearby lanes. The development would not be particularly visible from the public domain. However, this does not reduce my concern in relation to the proposed design.
15. I conclude that the development would not be subordinate to the original dwelling and would be a rather cumbersome and over-scaled addition which would not be in keeping with its character and appearance. It would therefore be contrary to the design aims of LP Policies DM3 and DM21 which taken together require development to respect the scale, character and appearance of any existing building, amongst other considerations and LP Policy ENV6 which requires development to respect local character and achieve a sense of place. It would also fail to accord with Paragraph 127 of the Framework which requires developments to be visually attractive as a result of good architecture.

Other considerations

16. The appellant has a Lawful Development Certificate (LDC) which would allow significant one and two storey extensions to the original dwelling. The ground floor link would remain unaltered. The appeal proposals have the advantage of being less obtrusive than the LDC development.
17. The appeal statement notes that the LDC *allows the extensions and alterations...which provide the accommodation the appellant wants, namely an additional bathroom, a larger open plan kitchen, an office and extended sitting room*. The appeal before me enlarges the hall to accommodate a more generous staircase, relocates the utility room, and provides an additional bathroom and first floor link to the former outbuilding. The statement confirms that the appeal proposals do not include the office or sitting room enlargement. As such, the two proposals are not directly comparable. On the one hand if the LDC provides the accommodation sought by the appellant I am unclear why there needs to be an additional application for other works, but on the other hand the appeal proposals would lack key accommodation elements.
18. The appeal statement also states that the LDC works would not be the preferred option. However, this raises an issue of inconsistency in the arguments advanced. Consequently, I am unclear what the preferred option would be. Moreover, even if the appeal was allowed and a condition imposed to prevent further permitted development, that condition would only take effect once the appeal permission was implemented.
19. The Court of Appeal has found that for a fall-back position to carry material weight, its implementation has to be a real prospect, but it does not have to be probably or likely. Given the appeal statement states that the LDC represents desired accommodation it seems likely that the permitted development would be undertaken. Although the two sets of proposals are not entirely severable, I

cannot discount the possibility that a combination of both sets of proposals would ultimately be implemented. Not only would this substantially increase the footprint and bulk volume of Oak Lodge from the original dwelling and outbuilding, but the resultant structure would have very little design merit.

20. If considered in isolation, the appeal proposals would increase the volume and footprint of the dwelling by significantly less than what is proposed under the LDC. The appeal proposals would be less visible from the public domain. This weighs in favour of the appeal, as there would be less impact on the openness of the Green Belt. However, there is no mechanism before me to ensure that the LDC works would not be undertaken before the appeal proposals. This concern was raised by the Council at application stage but has not been addressed at appeal.
21. I appreciate the concerns related to the appellant's age but I am not satisfied that what is before me is the only option to mitigate those issues. Nor does it seem likely that measures to improve insulation, fire safety, foul drainage and energy efficiency should be predicated upon this particular development. With regard to future mobility it seems that the scale of the extensions allowed under permitted development could be sufficient to provide options for a relocated staircase.

Other matters

22. The SPD sets out in its general principles that a fall-back position created by permitted development rights is only a material planning consideration if it would provide the same type of accommodation and is in a similar position as that applied for. This appears to be me to be unduly prescriptive. In any case, an SPD can only be a material consideration. I have not given the SPD any weight in my reasoning in this regard.
23. I appreciate that the Council has other policies which support the development but the lack of conflict with those policies does not necessarily outweigh conflict with others.
24. The appellant has drawn a previous appeal decision which relates to fall-back positions to my attention. However, in that decision the permitted development and the proposed works were more or less in the same part of the building. Although I agree that the appeal decision sets out the principles of fall-back positions, the situations are not comparable.

Conclusion

25. In the absence of an extant LDC, other considerations together with the lesser impact of that development on the openness of the Green Belt could have provided a closer balance between the harm arising from inappropriateness. However, it remains that there is a lack of clarity surrounding the proposals, the accommodation actually being sought and the likelihood of the LDC being implemented.
26. As such, as the possible combination of the appeal proposals and the permitted development allows significant expansion of Oak Lodge's footprint and bulk in its own right, I conclude that the other considerations do not carry sufficient weight to outweigh the harm identified with regard to inappropriateness. Moreover, my concerns in relation to the development's design and the character and appearance of the building would remain.

27. I have concluded that other considerations do not clearly outweigh the harm to the Green Belt arising from inappropriateness and harm to the character and appearance of the area. Consequently, very special circumstances do not exist and the appeal is dismissed.

A Blicq

INSPECTOR