The Planning Inspectorate

Appeal Decision

Site Visit made on 30 September 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/A0665/D/21/3276711
Hobbit Hollows, Kingsley Road, Kingsley, Frodsham WA6 6TY

- 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 Philip Wright against the decision of Cheshire West and Chester Council.
- The application Ref 21/00472/FUL, dated 1 February 2021, was refused by notice dated 4 June 2021.
- The development proposed is detached garage and workshop.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
    - The effect of the proposal on the openness of the Green Belt;
    - The effect of the proposal on the character and appearance of the original dwelling and area; and
    - If the proposal is inappropriate development, whether 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

3. The appeal site lies within the North Cheshire Green Belt. The appeal site is a detached brick and render dwelling within a substantial plot. The front of the property features a porch, driveway and a double integral garage. There is a rear conservatory and a number of velux and dormers within the roof space. It is enclosed around the boundaries by existing vegetation and hedgerows.

Inappropriate development

4. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. Paragraph 147 states that inappropriate development is,

by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The exception which is set out at paragraph 149(c) of the Framework, is 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. The glossary to the Framework, defines 'original building' as, a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.

6. Policy STRAT9 of the Cheshire West & Chester Council Local Plan (Part One) Strategic Policies, 2015 (CWCLP1) sets out Green Belt restrictions will apply to development in line with the Framework. Policy DM21 of the Cheshire West & Chester Council Local Plan (Part Two) Land allocations and Detailed Policies, 2019, (CWCLP2) sets out that the construction of ancillary outbuildings within the residential curtilage will be supported only if, taking into account any previous development to the original building or within its curtilage, they meet certain criteria. In the Green Belt, the resulting development should not result in disproportionate additions over and above the size of the original building.

7. These policies are supported by the Cheshire West & Chester Council Local Plan, Supplementary Planning Document: House Extensions and Domestic Outbuildings, 2021 (SPD). Paragraph 6.6 advises that in the Green Belt the construction of new detached out-buildings will generally be regarded as being inappropriate. However, outbuildings within 5 metres of the dwellinghouse will generally be treated as being 'extensions' to the house rather than a new building. Therefore, they should not result in disproportionate additions over and above the size of the original house and not increase the size of the house by 30%. This increase will generally be determined by assessing the external net increase in floorspace.

8. Whilst no precise evidence has been provided as to the extent of the original building, it does appear from observations and the planning history provided by the Council, dating from 2001. The property has been altered / extended previously. I also acknowledge that permitted development rights[1] were removed relating to 'Class E buildings' following the grant of planning permission[2] for an integral garage in 2002.

9. The Framework does not define the term 'disproportionate additions' and is a matter of planning judgement. The SPD sets out increases over 30% being disproportionate. I consider this is a reasonable starting approach. The proposed outbuilding would be within 5 metres of the dwellinghouse. It should therefore be considered on the basis of an 'extension' to the original house. The evidence before me, indicates that the submitted proposal for the garage and workshop in combination with the other extensions / alterations would exceed that range and result in increases over the 30% net floorspace of the original dwelling.

10. However, assessing proportionality is primarily an objective test based on size. The proposed garage and workshop outbuilding would add to the mass of built form at the property. The volume and floor area would be increased at ground floor, particularly due to the outbuilding's height, width and length. As such, given that the proposal would be in close proximity to the original dwelling it

[1] The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended
[2] APP/2002/0477, dated 10/05/2002

would not appear as a subservient addition. Therefore, in my assessment, the cumulative impact of the proposal, in comparing the original building to one that would result if the proposal was to go ahead, would result in an appreciable increase in both footprint and bulk. Therefore, amounting to a disproportionate addition to the original building.

11. For the reasons given above, the proposed development would result in disproportionate additions over and above the size of the original building. The proposal would not meet the exceptions in paragraph 149 (c) of the Framework, it would form inappropriate development in the Green Belt.

Openness

12. As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. The physical presence of built forms may affect openness, which can also have a visual and spatial element.

13. The proposed outbuilding would be built on garden land to the east of the dwelling, it would result in additional built development and the loss of this garden area which would unavoidably result in a reduction of openness of the site. Furthermore, the appeal site along Middle Lane is of open character with no buildings immediately fronting the road. The openness, spatial and visual aspects of the Green Belt are clearly evident in the surrounding area. Particularly on the southern side of Middle Lane and approach to the junction from the east. The proposal would be clearly discernible in those views due to its substantial size, massing and prominent position.

14. I conclude that the proposed development would have an appreciable impact on the openness of the Green Belt. The scheme would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above.

Character and appearance

15. The appeal site is located on a prominent corner location with the junction of Hollow Lane and Middle Lane. Although the garden area is partially enclosed with a hedge wrapping around Hollow Lane, views are afforded of the site and garden from along Middle Lane at the driveway / access as this area is open. The proposed outbuilding would be positioned almost fronting Middle Lane, sited further forward than the existing dwelling.

16. Due to the height, roof form and design of the building it would result in views from directly along Middle Lane and from long range views when approaching the junction from the east. The height of the existing vegetation / hedge would do little to prevent these views. Therefore, the proposal would be seen as a large and incongruous structure, to the detriment of these views and the open character and appearance of Middle Lane and the wider countryside setting. Furthermore, this would be exacerbated due to the overall size, massing, and position of the building. It would appear overly dominant in comparison to the existing dwelling, thus, not appearing as a subordinate addition, causing significant harm to the character and appearance of the original dwelling.

17. For the reasons given, I conclude the proposed development would cause harm to the character and appearance of the original dwelling and area. It would be

in conflict with Policies DM3, DM21 of the CWCLP2 and Policies STRAT9, ENV6 of the CWCLP1. Taken together these policies require high quality design; appropriate scale and design to not harm the character of the countryside; and the resulting development is in keeping with the character and appearance of, and is subordinate to, the original dwelling and surrounding properties, and the wider setting.

18. It would also be at odds with the Council's SPD, relating to visual amenity and that outbuildings are sufficiently subordinate to the main dwelling to ensure they are in keeping with its character and appearance and the wider area.

Other Considerations

19. The appellant's evidence relies heavily on the comparisons between the proposal and existing development that was granted by the Council for a nearby property known as Blackberry Cottage. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal in respect of scale, height, design and previous use of the site/building. In any case, I have determined the appeal on its own merits. Moreover, I do not consider that this permission should justify a further erosion of openness or the character of the area that would arise from the appeal proposal. I have therefore afforded very little weight to this consideration.

20. I acknowledge the appellant's frustration with the planning application process and willingness to modify the design. However, this and revoking of conditions relating to permitted development at the property would be future matters for consideration by the Council and are outside of the appeal regime before me. Therefore, I have given this consideration no weight.

Planning Balance and Conclusion

21. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would lead to an appreciable loss of openness to the Green Belt, which gives rise to additional harm. In each case, these harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.

22. Against this, the other considerations that have been advanced and cited in support of the proposal, are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt and the other harm I have identified, including character and appearance. Consequently, the very special circumstances necessary to justify the development do not exist.

23. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR