



Appeal Decision

Site visit made on 1 February 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2022.

Appeal Ref: APP/A0665/D/21/3278612

Glen Lea, Norley Road, Kingsley, Frodsham, Cheshire WA6 6UF

- 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 & Mrs T Bates against the decision of Cheshire West and Chester Council.
 - The application Ref 20/04823/FUL, dated 21 December 2020, was refused by notice dated 4 June 2021.
 - The development proposed is described as 'single storey extension and alterations to existing detached garage door location.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It is clear from the Council's delegated report and reasons for refusal that the Council's concern lies with the proposed extension and not with the relocation of the garage doors. I have therefore confined my assessment to the single storey extension.

Main Issues

3. As the site is located within the North Cheshire Green Belt and national policy on Green Belt must be considered, the main issues are:
 - Whether the proposed extension 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 on the openness of the Green Belt and its purposes,
 - The effect of the proposed extension on the character and appearance of the building and area, and
 - If the proposed extension constitutes inappropriate development in the Green Belt, 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

4. The appeal site comprises a two-storey pitched-roof dwelling with garden. There is a detached garage set some distance away from the dwelling. The property is linear and presents its end gable elevation to the road. It sits

immediately adjacent to the neighbouring dwelling. There are a few properties nearby, but development is sporadic. Opposite and to the rear of the site are fields. The site is clearly in the countryside.

5. The proposal is to erect a single storey flat-roof extension to the rear (end) elevation facing the garden and side (front) to provide an enlarged kitchen-living space, with boot room and shower room. The garage doors on the existing garage would be relocated to the side elevation facing the road.

Whether inappropriate development in the Green Belt

6. The Framework identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Framework regards the construction of new buildings as inappropriate development in the Green Belt, subject to various exceptions set out in paragraph 149. These include c) for 'extensions or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original¹ building.'
8. Policy STRAT 9 of the Cheshire West & Chester Council Local Plan (Part One) (the 'LP1') deals with 'Green Belt and Countryside' and refers to inappropriate development being harmful to the Green Belt. The exceptions listed in its paragraph 5.77 include most of the exceptions found in paragraphs 149 and 150 of the Framework. Hence the policy is broadly consistent with it, even though it does not include Framework exception under 149c) for extensions or alterations to buildings.
9. In its Officer Delegated Report the Council has also referred to Policy DM21 of the Cheshire West & Chester Council Local Plan (Part Two) (the 'LP2'), which deals with development within the curtilage of a dwellinghouse. It states that in the Green Belt extensions to dwellings will be supported provided the resulting development would not result in disproportionate additions over and above the size of the original building. The supporting policy text also states that extensions are generally expected to be 'subordinate' to the original dwelling and surrounding properties, and that subordinate and small-scale extensions should not increase the size of the original dwelling by more than 30%. The Council has used this as a guide for assessing 'disproportionate' in the absence of numerical guidance in the Framework. The Policy also states that proposals in the Green Belt must accord with national Green Belt policy in the Framework and refers back to Policy STRAT 9. I am satisfied that Policy DM21 is relevant and broadly consistent with the Framework with particular regard to extensions to buildings in the Green Belt.
10. There is no dispute between the parties that the property was previously extended² in 1981 with a lounge and bedroom as well as a garage and new access. The appellants confirm that the original property was as it existed before the 1981 extension, and had an area of 95 square metres. Following the

¹ In the Framework glossary 'original building' is defined as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally"

² LPA ref: 4/00/09972 granted 3 September 1981 for a

extension the area increased to about 144 square metres. The Council states that the 1981 two-storey extension increased the floor area of the property by over 50%. Therefore, the property has already been extended by more than the 30% limit in Policy DM21.

11. The proposed extension would have an area of about 69 square metres, with a maximum height of approximately 3.2 metres. The appellants calculate this would be an addition of 47% above the *existing* [my emphasis]. However, Policy DM21 and the Framework stipulate that extensions must be considered against the *original* [my emphasis] size of the building.
12. The proposed extension and the previous extension would have a combined floor area of about 118 square metres, giving the property an overall floor area of about 213 square metres³. This amounts to about a 125% increase in the floor area of the original property, as calculated by the Council. This substantially exceeds the 30% increase allowed under Policy DM21.
13. In addition to the increase in the linear dimensions of the property, the extension would substantially increase the volume of the property due to the large footprint, even though the extension would be single storey. Furthermore, the plan form and shape of the footprint of the property would be fundamentally changed from a linear form to an 'L' shape.
14. Taking account of all these factors, I find the proposed extension would amount to a substantial enlargement of the dwelling that would amount to a disproportionate addition over and above the size of the original dwelling. Consequently, the development does not fall within the exception set out in paragraph 149c) of the Framework and is therefore inappropriate development in the Green Belt.

Openness and Green Belt purposes

15. I now need to consider what effect the development would have on the openness of the Green Belt, taking into account both spatial and visual aspects. The proposed extension would occupy space on the ground that is currently free of built development. It would also occupy vertical space and have volume. Visually, the extension would change the shape and massing of the dwelling. The extension would also fill in much of the gap across the site between the front of the dwelling and the detached garage and be visible from the road. It would represent a material change in built form. The extension would also obscure views of the fields behind the site. Overall there would be a significant reduction in the spatial and visual openness of the Green Belt that would bring about significant change to it.
16. Whilst the extension would be sited within the private garden and curtilage of the property, it would physically extend the footprint of the dwelling and take built development further towards the adjacent boundary with the surrounding fields and countryside. As such, the appeal development would also fail to safeguard the countryside from encroachment, which is one of the five purposes of the Green Belt.

³ 144 (original plus previous extension) + 69 (proposed extension) = 213 square metres

Conclusion on inappropriate development in the Green Belt

17. The proposed extension would represent disproportionate additions over and above the size of the original dwelling. As such the development would not fall within the exception set out in paragraph 149c) of the Framework. It is therefore inappropriate development in the Green Belt for the purposes of LP1 Policy STRAT 9 and LP2 Policy DM21 and the Framework. There would also be a significant reduction in openness and conflict with one of the purposes of including land within the Green Belt, contrary to paragraphs 137 and 138 of the Framework respectively.

Character and appearance

18. The appeal property and the adjacent cottage are both modest in size and of varying design but both positively contribute to the dispersed rural character and appearance of the area.
19. The Council's 'House Extensions and Domestic Outbuildings' Supplementary Planning Document (the 'Design SPD') states that the front elevation of a building usually faces the street and is therefore particularly sensitive to change. It goes on to advise that when designing front extensions great care must be taken to ensure that the character of the existing building and surrounding buildings is taken into account. To limit the visual impact of a single-storey front extension any side extension should remain separate and not create a wrap-around extension projecting in front of the main original front wall of the house.
20. The front of the appeal property faces the side of the plot, but nonetheless is still visible from the road and sensitive to change. The extension would have a large footprint which would be configured to wrap-around the rear (end) and side (front) of the property. Although the extension would be set back from the road, it would still protrude a substantial distance out from the front elevation of the property to create an 'L' shape plan, disrupting the striking linear form of the property. In addition, the long length of roof that would be visible from the road would be at odds with the traditional pitched roof of the property. I find the proposed extension would have little regard to the proportions, design and plan-form of the existing dwelling and would be of an excessive size so as not to be subordinate to the host dwelling. Nor would it reflect the prevailing traditional styles of neighbouring properties.
21. As a result, the proposed extension would harm the character and appearance of the host dwelling and the area. Accordingly it would be contrary to LP1 Policy ENV6 and LP2 Policy DM21. These collectively seek to ensure that development respects the scale, character and appearance of the property and area, is subordinate to the host property and is of high quality design. It would also be contrary to the guidance in the Design SPD.

Other Considerations and Green Belt Balance

22. The proposed development would represent inappropriate development in the Green Belt which is, by definition, harmful. I have also found significant harm to openness and conflict with one of the Green Belt purposes. Inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of

inappropriateness, and any other harm is clearly outweighed by other considerations.

23. In accordance with paragraph 148 of the Framework, any harm caused to the Green Belt must be given substantial weight. In addition, I have found there is significant harm to the character and appearance of the dwelling and the surrounding area. These are serious planning objections.
24. On the other side of the balance, the appellants advance a number of other considerations to support their appeal. I acknowledge that the extension would improve and increase the living accommodation for the appellants and their family. However, I find there is no substantive evidence to demonstrate why the existing dwelling could not be extended in different or more sympathetic manner. For these reasons I give only limited weight to the appellants' personal circumstances.
25. The extension would act as an acoustic barrier by shielding the rear garden from road noise. However, the garden area is set towards the rear of the plot farthest from the road. An extension is not the only means of providing acoustic mitigation. In the absence of any substantive evidence I give this matter limited weight. The rear of the dwelling already has patio doors and full height glazing panels either side of it, giving direct access and connection with the garden. The proposed extension would not substantially alter this and therefore I afford this justification little weight.
26. The appellants refer me to extensions that have been granted at 4 Roddy Lane. However, I have not been provided with any plans, substantive details or the particular circumstances of the extensions, the site or its context. These extensions therefore do not set a precedent or justify allowing harmful development at the appeal site. Therefore I am unable to make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits. The fact that other extensions have been allowed elsewhere in the Green Belt indicates to me that the Council has found that development can be designed or located in a way that does not cause harm to the Green Belt or the property being extended.
27. These 'other considerations' taken alone and in combination, do not clearly outweigh the totality of the harm to the Green Belt or outweigh the conflict with planning policies designed to protect the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Accordingly the proposed development would conflict with LP1 Policies STRAT 9 and ENV6 and LP2 Policy DM21, and the Framework. It would also be contrary to general guidance in the Design SPD.

Conclusion

28. For the reasons above I conclude the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, the appeal should be dismissed.

K. Stephens
INSPECTOR