
Appeal Decision

Site visit made on 1 February 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/R0660/D/21/3283315

1 Ivy Cottage, Pepper Street, Mobberley WA16 6JG

- 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 D Wainwright against the decision of Cheshire East Council.
 - The application Ref 20/5743M, dated 21 December 2020, was refused by notice dated 29 June 2021.
 - The development proposed is the expansion of pre-existing 2 storey side and rear extensions, new porch and entrance and internal remodelling works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - 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 Inappropriate Development

3. The appeal site comprises a two-storey semi-detached dwelling located at the junction of Pepper Street/Mobberley Road and Breach House Lane. The property has existing single storey rear and two-storey side extensions approved under a previous permission¹ granted in 2009.
4. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt is inappropriate unless it meets one of several exceptions. This includes where development involves 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.

¹ 09/2603M

5. Policy PG3 of the Cheshire East Local Plan Strategy (CELP) (adopted July 2017) refers to the national policy stance on development in the Green Belt, reiterating the Framework's exception concerning the extension of buildings.
6. Saved Policy GC12 of the Macclesfield Borough Local Plan (MBLP) (adopted January 2004) refers to "existing houses in the countryside" and the policy wording does not specify Green Belt. However, it is clear from the supporting text of paragraph 4.29 that the policy is to be applied in the Green Belt. This policy sets out that alterations and extensions to existing houses may be granted for up to 30% of the original floor space. The Framework does not define a disproportionate addition as a percentage increase, although this figure offers a reasonable method of determining whether an extension would be 'disproportionate'. Therefore, I am satisfied that this part of Policy GC12 remains broadly consistent with the Framework.
7. However, Policy GC12 goes on to introduce further exceptions, in which development that would result in disproportionate additions may not be deemed inappropriate in certain circumstances. In this case, exception 1 is cited which states an exception to a scheme which is considered a disproportionate addition can be made if the proposal lies in a group of houses or ribbon of development and the extension would not be prominent.
8. However, Paragraph 149(c) of the Framework does not make provision for any such further exceptions in circumstances where a development has been found to result in disproportionate additions to an existing building. The Framework does not differentiate between extensions to buildings that are in ribbons of development and those which are not. Nor does it make provision for the visual effects of extensions with regard to their prominence, or effect on the character or appearance of their surroundings, to be considered in determining whether they are disproportionate over and above the size of the original building.
9. Therefore, the second part of Policy GC12 is not consistent with the Framework. I have therefore considered the appeal on the basis of the exceptions in the Framework, Policy PG3 of the CELP and having regard to the 30% 'disproportionate' threshold defined in the first part of Policy GC12.
10. The main parties have offered differing calculations as to the percentage increase the proposal would represent. However, even if I were to take the lower figure of a 53% increase, this would significantly exceed the 30% guidance offered in the CELP. Moreover, as the proposed extensions include the additional mass to existing two-storey projections to the rear and side, they would also increase the volume of the building. When taken cumulatively with the extensions carried out previously, the extensions now proposed would result in disproportionate additions over and above the size of the original building.
11. I have been referred to a planning application² approved for an extension to an existing property at Wardale, 4.5km from the appeal site. Evidently this proposal included additional floor space which was calculated at 50.5% over the original building, while another earlier planning application³ was approved for other extensions. Were both proposals to be implemented, this would have equated to a 61% increase. The officer report concludes this was acceptable as

² 20/1387M

³ 19/4947M

it fell within an exception to the limit under Policy GC12 where proposals lie within a group of houses or ribbon of development and the extension would not be prominent.

12. Be that as it may, although I have had regard to those previous decisions, I am not bound to come to the same conclusions. I have considered the relationship between Policy GC12 and the Framework. For the reasons given, I find the second part of Policy GC12 to be inconsistent with the Framework. I have afforded that part of the policy limited weight, having regard to paragraph 219 of the Framework. Moreover, the officer report for 20/1387M makes clear that there was a relevant fallback position in those circumstances where both proposals could be constructed under the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). As such, in considering these other applications, they do not alter my assessment of the proposal before me.
13. I therefore find the proposal is inappropriate development in the Green Belt and would conflict with the Framework, as well as Policies PG3 of the CELP and GC12 of the MBLP, albeit the conflict with the latter is afforded less weight. In accordance with the Framework paragraph 147 inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

14. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness includes consideration of both visual and spatial aspects. The proposal would expand the already extended sections of the house to the rear and side elevations. I note the appellant does not dispute there would be additional mass and volume added to the house. Although I agree this is limited, this would reduce the spatial openness of the Green Belt.
15. Although the extensions would be seen in the context of existing group of linear dwellings and also against the host dwelling, from my observations on the site visit the side and rear of the property were clearly visible from Breach House Lane, while the side elevation was also clear from Pepper Street/Mobberley Road. While there is some screening to the side boundary in the form of a hedgerow, and the mature trees to the rear lining Breach House Lane may block long range views, the sections of the property to be extended were very evident. They would therefore also erode the visual openness of the Green Belt, albeit to a limited degree and from local vantage points.
16. Although spatially and visually the harm to openness would be limited, the Framework is clear in paragraph 148 that substantial weight is given to any harm to the Green Belt.

Other Considerations

17. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
18. Although no other considerations have been presented to me, I appreciate that the increased living space would be of benefit to the occupiers of the property.

However, this would be private to the appellants and of little weight in favour of the proposal.

Green Belt Balance and Conclusion

19. The Framework requires that substantial weight is given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and harm to the openness of the Green Belt. The Framework states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. For the reasons given, I attribute little weight to the private benefits of the proposal to the appellant. Consequently, I conclude that the other considerations put forward would not, in their totality, clearly outweigh the harm to the Green Belt that I have identified. The very special circumstances necessary to justify the development therefore do not exist and the development would conflict with the Green Belt protection aims of the Framework and those of Policies PG3 of the CELP and GC12 of the MBLP.
21. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR