



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: 23 February 2022

Appeal Ref: APP/A0665/D/21/3281184

Ivy Cottage Flaxmere, Norley, Northwich WA6 6PF

- 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 Andrew Hough against the decision of Cheshire West and Chester Council.
 - The application Ref 21/01420/FUL, dated 30 March 2021, was refused by notice dated 30 July 2021.
 - The development proposed was originally described as 'Removal of existing outbuilding and extension to existing garage.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development is taken from the application form. On the appeal form the appellant has used the Council's description on the refusal notice. As this more accurately describes the extension as being two-storey and the Council dealt with the proposal on this basis, so have I notwithstanding the description above.

Main Issues

3. As the site falls within the North Cheshire Green Belt the main issues are:
 - i. Whether the proposal 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,
 - ii. The effect on the openness of the Green Belt,
 - iii. The effect of the proposed development on the character and appearance of the existing outbuilding and surrounding area, and
 - iv. If the proposed development 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 dwelling with a detached timber-clad, open-sided 3-bay garage with an enclosed storage bay, set within spacious grounds. A static caravan is sited to the rear of the garage. The site is located along an unmade lane with a loose pattern of residential properties along it.

Opposite the site is woodland, and to the rear a paddock and fields. The site is clearly in the countryside.

5. The proposal is to remove the static caravan and approximately in its place erect an extension onto the rear of the garage building. The extension would comprise a single storey open-sided log store and a two-storey pitched roof timber building. This would have a 3-bay garage on the ground floor with lockable doors and a storage area in the roof accessed by an external staircase on the side elevation. On the rear roof elevation there would be 3 pitched roof dormers, and a single dormer facing the lane.

Whether the scheme is inappropriate development in the Green Belt

6. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt subject to a number of exceptions set out in Framework paragraphs 149 and 150.
7. One such exception under paragraph 149c) is 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". The appellant also refers to exception 149g) for the "limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on openness of the Green Belt than the existing development".
8. Policy STRAT 9 of the Cheshire West & Chester Council Local Plan (Part One) (the 'LP1') deals with 'Green Belt and Countryside'. Development is expected to be of an appropriate scale and design so as not to harm the character of the countryside. In the Green Belt development will be subject to additional restrictions in line with the Framework. The development exceptions listed in its paragraph 5.77 include most of the exceptions found in paragraphs 149 and 150 of the Framework. It is broadly consistent with the Framework, even though it does not include Framework exception 149c) for extensions or alterations of non-agricultural/forestry buildings such as the proposed building.
9. This type of development is found in Policy DM21 of the Cheshire West & Chester Council Local Plan (Part Two) (the 'LP2') which supports extensions, alterations and outbuildings within the curtilage of a dwellinghouse subject to a number of criteria. In the Green Belt the resulting development should not result in disproportionate additions over and above the size of the original building, as per Framework paragraph 149c). The policy also cross-references with Policy STRAT 9 and national Green Belt policy in the Framework. I am satisfied that Policy DM21 is broadly consistent with the Framework.
10. Neither the development plan nor the Framework provides a definition of what is meant by 'disproportionate additions'. The parties have used the supporting text of Policy DM21 as a guide, such that subordinate and small-scale extensions/outbuildings should not increase the size of the original building by more than 30%. It goes on to say that in the Green Belt extensions that are higher than the original building are likely to be regarded as disproportionate additions.

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."

11. The Council's "House Extensions and Domestic Outbuildings" Supplementary Planning Document² (the 'Design SPD') states that new detached outbuildings in the Green Belt are generally regarded as being inappropriate development. In cases where the proposed development involves an increase in the overall building-height, the net increase in volume (measured externally) will also be taken into account but will not include any allowance or credit from the demolition of existing detached buildings or structures.
12. The appellant confirms that the proposed extension, including the first floor area, would amount to a 135% increase in the size of the original garage building. The Council calculate the floor area increase would be 140%. Whilst the two figures differ there is no dispute between the parties that the proposed extension would exceed the 30% floor area threshold in Policy DM21. Therefore, based on floor area alone the extension would plainly not be subordinate.
13. Floor area is not the only element of 'size' to consider and Policy DM21 suggests a number of other elements to assess. The width of the extension in total (log store plus main extension) would be more than half the width of the existing garage, and the depth of the extension would be greater than the existing garage. This would amount to a substantial increase in external dimensions that would result in a significantly elongated building. Furthermore, the two-storey component of the extension would be taller than the existing garage. This would add a substantial volume, which would be further increased by the log-store. The static caravan would be removed, but Policy DM21 makes it clear that no credit is given for demolition or removal of existing structures.
14. As a result, the proposed extension would amount to a substantial enlargement that would significantly increase the overall size of the building and represent disproportionate additions over and above the size of the original garage. Consequently, the proposal does not fall within the exception in paragraph 149c) of the Framework and therefore constitutes inappropriate development in the Green Belt.

Openness and Green Belt purposes

15. Openness is one of the essential characteristics of the Green Belt. There is no definition of 'openness' in the Framework, but the Courts have held that it requires consideration of both spatial and visual aspects.
16. The openness of the Green Belt is clearly evident with open fields to the rear of the site. The proposed extension would be physically present with a sizeable footprint and hence occupy space on the ground that is previously free of built development. It would also have additional floor area and volume due to its height, and hence would introduce a structure with substantial bulk and massing in the rear garden where there is currently none. This would serve to increase the built-up nature of the site. I also saw on my visit that the existing static caravan was visible across the fields from further away on School Lane. This indicates to me that the larger and taller two-storey extension, with its array of dormer windows, would be visible from beyond the site. Taking all these factors into account, the proposed extension would significantly reduce the spatial and visual openness of the Green Belt.

² Adopted 13 January 2021

17. The appellant also refers to exception 149g) of the Framework being relevant because the static caravan would be removed from the land in order to make way for the proposed extension, and this would represent the partial redevelopment of previously developed land (PDL). This exception includes the proviso that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development. Even if the footprint of the static caravan is 'just' 14 square metres less than the extension, it would still be bigger and as described above would have a greater impact on the Green Belt than the existing garage and static caravan. Therefore the proposed extension would not fall within the Framework exception 149g) and would constitute inappropriate development in the Green Belt.

Conclusion on inappropriate development

18. The proposed extension to the garage does not fall within the exceptions set out in paragraphs 149c) and 149g) of the Framework. It is therefore inappropriate development in the Green Belt for the purposes of LP1 Policy STRAT 9 and LP2 Policy DM21. There would also be a reduction in spatial and visual openness of the Green Belt.

Character and appearance

19. The existing garage is single storey. Although it is visible to some extent from the lane and is on higher ground, it reads as an ancillary outbuilding that is visually and physically subordinate to the main dwelling.
20. The form and massing of the pitched-roof two-storey extension together with the external staircase and an array of dormer windows would result in an unduly large and visually prominent structure. It would extend built development further into the site at odds with the prevailing character of development along the lane. Whilst dormer windows are sometimes seen on domestic buildings, they are not a prevailing characteristic of properties in the immediate area. Furthermore, they give an overly domestic appearance to the building, at odds with its proposed function as an ancillary outbuilding with storage in the roof. Due to its size, height, siting and design the extension would also detract from, and compete with, the dwelling and the existing garage. As already described, it would be visible from beyond the site and would be visually intrusive to the surrounding area. The use of materials to match the existing garage would not mitigate against this.
21. I find the proposed extension would harm the character and appearance of the existing building, the existing dwelling and the surrounding area. Accordingly it would be contrary to LP1 Policy ENV6 and LP2 Policies DM3 and DM21. These collectively seek to ensure that development respects the scale, character and appearance of property and area, is subordinate to the host property and is of high quality design.

Other Considerations

22. The appellant has advanced a number of other considerations to support his appeal. The appellant wants secure parking for vehicles and secure storage. I saw on my visit that the appellant had a number of motorbikes and that the open-sided garage bays and the static caravan were in use for storage of domestic belongings and paraphernalia. I have not been provided with any substantive evidence for the necessity for vehicle storage and why the existing

storage space cannot be reconfigured or used differently or lockable doors put on the existing open-sided garage bays, or why such a large additional structure is required for this purpose.

23. I am told that the extension would increase surveillance of the car parking area and the front elevation dormer window facing towards the lane would give the impression of surveillance, even though it serves the storage area. From what I saw on my visit there was an informal parking area as part of the drive in front of the garage building, visible from the house and road. The existing dwelling sits close to the lane with windows facing out onto it. Windows and large patio doors also overlook the garden, affording views towards the garage. I saw security lights on the dwelling and on the garage, including what appeared to be an alarm box on the garage building itself.
24. I have not been advised of other security or surveillance measures the appellant has considered or has tried such as CCTV, other alarms and detection devices, or why any other measures would not be adequate. I saw that the entrance drive was ungated, but with brick piers either side it had the potential to be so and hence improve the security of the site as a whole. The proposed lockable garage doors are on the far elevation of the extension that face away from the dwelling and towards the fields at the rear. I find this arrangement is at odds with the appellant's need for increased surveillance. In the absence of substantive evidence and from what I observed on site I give limited weight to the need for secure parking and increased surveillance.
25. Removing the static caravan would bring about some visual improvement to the site and the wider area. However, the caravan can be removed any time without the need to build an extension. I give this little weight.

Green Belt Balance and Conclusion

26. The appeal development would represent inappropriate development in the Green Belt which is, by definition, harmful. 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. Paragraph 148 of the Framework states that any harm caused to the Green Belt must be given substantial weight. I have also found there would be significant harm to the character and appearance of the building and surrounding area. These are serious planning objections.
27. The considerations advanced in support of the appeal, whether taken individually or cumulatively, weigh moderately in favour of the proposal but do not clearly outweigh the harm I have identified and the substantial weight to be given to Green Belt harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist. Accordingly, the proposed development would conflict with LP1 Policies STRAT 9 and ENV6 and LP2 Policies DM3 and DM21, whose aims have been outlined above.
28. For the reasons given, I conclude the appeal should be dismissed.

K. Stephens
INSPECTOR