



Appeal Decision

Site visit made on 6 December 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/R0660/D/22/3305226

Glengarry, Middlewich Road, Lower Peover WA16 9PN

- 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 J Flatman against the decision of Cheshire East Council.
 - The application Ref 22/0888M, dated 2 March 2022, was refused by notice dated 29 June 2022.
 - The development proposed is single storey rear extension and associated alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the banner heading above is taken from the planning application form, with the exception of the reference to Cheshire East which is the Council administrative area in which the appeal site is located and not part of the address.

Main Issues

3. The main issues are;
 - Whether the proposal 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 on the openness of the Green Belt;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

4. The appeal site is located within the Green Belt. Paragraph 149 of the Framework indicates that other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. 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 is one of the exceptions. This national policy stance on development in the Green Belt is reiterated in Policy PG3 of the Cheshire East Local Plan Strategy (CELPs) 2017, and is the exception upon which the appellant relies.
5. Saved Policy GC12 of the Macclesfield Borough Local Plan (MBLP) 2004 refers to proposals for alterations and extensions to houses in the countryside, including those within the Green Belt, as indicated in the supporting text of the

policy. This policy sets out that extensions to existing houses may be granted for up to 30% of the original floor space. The Framework does not provide a definition of a disproportionate addition. However, the percentage increase figure provided by Policy GC12 offers a reasonable method of determining whether an extension would be disproportionate. I am satisfied that this part of Policy GC12 remains broadly consistent with the Framework.

6. Policy GC12 goes on to specify exceptions in which disproportionate additions may be permitted in certain circumstances. Exception one would allow extensions where they are not prominent, and the site is within a group of houses. However, there is no provision for further exceptions to those within paragraph 149 of the Framework, as it does not differentiate between extensions to buildings located in groups, and those that are not. Likewise, there is no provision for the prominence of extensions, or the effect on the character or appearance of their surroundings, to be considered in determining whether they are disproportionate to the size of the original building.
7. As a result, I consider that the second part of Policy GC12 is not consistent with the Framework. Accordingly, I have considered the appeal on the basis of the exceptions in the Framework, Policy PG3 of the CELPS and having regard to the 30% 'disproportionate' threshold defined in the first part of Policy GC12.
8. The parties agree that collectively, the previous extensions to the dwelling approved under application reference number 17/0190M and the proposed extension, would result in an increase to the original floor area of 131%. There is nothing before me that would lead me to disagree with these figures. This significantly and demonstrably exceeds the 30% guidance set out in Policy GC12. The overall scale and volume of the building would increase accordingly. Although relatively small-scale in itself, the proposed extension would nonetheless amount to a disproportionate addition over and above the size of the original dwelling, in terms of both floor area and volume, when taken in conjunction with the existing extensions and outbuilding.
9. I saw that the existing extensions amount to a 2-storey dual gabled addition and single storey side and rear extensions. They are clearly distinguishable by the different facing material of brick compared to the use of render on the original dwelling. Even if policy GC12 did not require an arithmetical calculation, the significant increase in floor area and volume of the existing dwelling over and above the original is clear to see.
10. Reference is made to 2 previous appeal decisions (APP/P0240/D/16/3148359 and APP/Y3615/W/18/3202309) in different administrative areas, where the proposed extensions were considered not to be disproportionate to the host dwelling. The appellant considers that this demonstrates there should not be a reliance on an arithmetical calculation for what can be considered to be a disproportionate addition. In the case of 3148359, the host property was considered to be within the envelope of a built up area where the established character was of larger dwellings. Moreover, the 60% allowance for extensions to dwellings was contained within a Design Guide and therefore formed guidance, rather than adopted planning policy. In respect of 3202309, the Green Belt policy within the Local Plan did not identify a threshold limit for increases in floorspace or volume. Given the assessment of the appeal site and the planning policy context made above, I do not find the circumstances of these previous appeal decisions comparable to those before me. They do not affect my findings.

11. Consequently, the proposal would be inappropriate development in the Green Belt, which is by definition, harmful and should not be approved except in very special circumstances. It would therefore conflict with paragraph 149(c) of the Framework. Conflict is also found with Policy PG3 of the CELPS and the first part of Policy GC12 of the MBLP.

Openness

12. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension.
13. The appeal dwelling comprises a 2-storey detached dwelling located in a rural setting surrounded by agricultural fields, with one other 1.5 storey dwelling immediately to the north-east. The proposed extension would effectively infill the corner between the existing single storey side and rear extensions permitted under 17/0190M. I note that the appellant does not dispute that additional floor area and volume would be added to the dwelling. The erection of an extension where one does not exist would result in a loss of openness. Being at the rear of the host dwelling and single storey, the increased mass and scale of the proposed extension would not be overtly visible in any public views of the appeal site.
14. Even if I were to consider that the proposal did not affect the openness of the Green Belt, the absence of harm would be a neutral matter that weighs neither for nor against allowing the appeal. It would not amount to very special circumstances.
15. The position, scale and mass of the proposed extension whilst not publicly visible, would impact on the spatial dimensions of the appeal site, resulting in a modest loss of openness. Therefore, I find conflict with Policy PG3 of the CELPS which aims to protect Green Belt land and keep it permanently open or largely undeveloped. I also find conflict with paragraph 137 of the Framework.

Other Considerations

16. Paragraph 148 of the Framework states that very special circumstances for new development 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. However, the appellant has not advanced any other considerations which I can weigh against the harm identified.

Conclusion

17. The proposal would amount to inappropriate development in the Green Belt resulting in a modest loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
18. Given the substantial weight to be given to Green Belt harm and the lack of other considerations, the harm is not clearly outweighed. Therefore, the special circumstances necessary to justify the proposal do not exist. The appeal is dismissed.

M Clowes - INSPECTOR