



Appeal Decision

Site visit made on 17 January 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2023

Appeal Ref: APP/A0665/D/22/3306314

West Field, Dunstan Lane, Neston, Cheshire CH64 8TQ

- 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 Mrs Alison Mitchell against the decision of Cheshire West and Chester Council.
 - The application Ref 21/02310/FUL, dated 30 April 2022, was refused by notice dated 14 June 2022.
 - The development proposed is the demolition of existing garage, rear shed, day room and kitchen, and erection of single storey rear extension and two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal property is a two storey detached dwelling set within a generous plot within the Green Belt. Policy STRAT9 of the Cheshire West & Chester Council Local Plan (Part One) Strategic Policies (the CWCLP1) advises that proposed development within the Green Belt will be subject to the restrictions set out in the National Planning Policy Framework (the Framework).
4. 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 Framework states that new buildings should be regarded as inappropriate development in the Green Belt subject to a number

of exceptions. 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 these exceptions at paragraph 149 c). This approach is also reflected in Policy DM21 of the Cheshire West & Chester Local Plan (Part Two) Land Allocations and Detailed Policies (the CWCLP2).

5. Neither policies nor the Framework define what is meant by a disproportionate addition, however the explanatory text to Policy DM21 notes that subordinate and small scale extensions/outbuildings should not increase the size of the original dwelling by more than 30 per cent. The increase in size of the original or existing dwelling will generally be determined by assessing the net increase in floorspace (measured externally). This guideline is also reflected in the Cheshire West and Chester Council Local Plan, Supplementary Planning Document: House Extensions and Domestic Outbuildings (January 2021) (the SPD).
6. The proposal would undoubtedly result in a substantially greater footprint and floorspace than the original dwelling, even taking into consideration the demolition of existing additions. Taking other factors into consideration and thus adopting a flexible approach to assess whether a proposal would be disproportionate, the proposal would also considerably increase the proportions of the dwelling, including its bulk and massing. In all ways, it would represent a very sizeable increase to the original dwelling.
7. Consequently, the proposal would result in a disproportionate addition to the original dwelling and would therefore constitute inappropriate development in the Green Belt.

Openness of the Green Belt

8. Paragraph 137 of the Framework advises that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
9. The proposal would considerably increase the floorspace, footprint and volume of the original dwelling. Whilst its bulkier presence would only be partially apparent from public vantage points and it would be read together with the existing property, it would nevertheless result in the introduction of significant built form into a space where currently there is none.
10. The proposal would therefore result in harm to the openness of the Green Belt, in that it would be reduced, thus it would fail to accord with Policy STRAT9 of the CWCLP1, Policy DM21 of the CWCLP2 and the Framework.

Character and appearance

11. The proposed side extension would be of a considerable width and would have a ridge height in line with the existing dwelling, thus lacking subservience to the host property in this regard. However, the first floor would be set back slightly by virtue of the overhang at ground floor level, albeit to a limited degree.
12. Whilst the proposal would not meet all of the conditions for side extensions as set out in the SPD, the immediate locality is not defined by one particular type of property. There is vast variety in the design, scale and massing of the

dwelling, along with plot sizes and the arrangement of built form. The resultant large dwelling would be in keeping with its substantial plot and good space to the side boundary would remain. The proposal would not disrupt the symmetry of the dwelling or a group of dwellings, and there would be a small degree of subservience in the side extension.

13. Therefore, the proposal would not result in harm to the character and appearance of the area and thus accords with Policy ENV6 of the CWCLP1 and Policies DM3 and DM21 of the CWCLP2 which collectively seek to ensure that developments respect local character and the scale, character and appearance of any existing building. It would also accord with the SPD and the Framework in their aims to achieve developments that are of a good design. A lack of harm in this regard is a neutral matter and does not overcome the Green Belt harm identified above.
14. Policy SOC3 of the CWCLP1 is referred to within the Council's decision notice however it is not relevant to this main issue as it concerns the provision of new housing and achieving mixed types, tenures and sizes.

Other considerations

15. As noted, the Framework advises that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. I note the permission from 1990 which is relatively comparable to the appeal proposal. However, by virtue of its considerable age, I am unable to fully ascertain the policy requirements and context of that time and, moreover, it does not represent a realistic fallback. I therefore afford this matter very limited weight.
17. It is suggested that the proposal would result in visual improvements to the existing dwellinghouse, namely through the removal of the single storey, flat roof garage. However, this element clearly reads as a subservient addition, which does not appear in poor condition and does not harmfully unbalance the property. As such, this matter is afforded limited weight.

Whether very special circumstances exist

18. The proposal would constitute inappropriate development in the Green Belt and would cause harm to its openness, albeit this would be to a limited degree. Nevertheless, in accordance with paragraph 148 of the Framework, substantial weight is given to this Green Belt harm and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. The advanced considerations above do not clearly outweigh the harm I have identified and thus the very special circumstances necessary to justify the proposal do not exist. As such, the proposal would fail to accord with Policy STRAT9 of the CWCLP1 and Policy DM21 of the CWCLP2, along with the aims of protecting the Green Belt as set out in the Framework.

Conclusion

20. The proposal is contrary to the development plan taken as a whole and there are no material considerations, including the Framework, which indicate that the decision should be determined other than in accordance with the development plan. Therefore, the appeal should be dismissed.

H Ellison

INSPECTOR