

Appeal Decision

Site visit made on 13 January 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/A0665/D/22/3308806

Merrydown, 29 Eggbridge Lane, Waverton, Chester, CH3 7PE

- 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 Adams and Miss Thomas against the decision of Cheshire West and Chester Council.
 - The application Ref 21/02370/FUL, dated 2 June 2021, was refused by notice dated 21 September 2022.
 - The development proposed is two storey front and side extensions.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development proposed has been taken from the Council's decision notice. The description of development on the planning application form states "Redevelopment of 29 Eggbridge Lane."

Main Issues

3. The appeal site is within the Green Belt and the main issues are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (Section 13: Protecting Green Belt land) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;

Reasons

4. The appeal property, Merrydown, is a two storey detached dwelling. The appeal property has an L-shaped form and a distinctive front facing gable with a cat slip style roof and fenestration comprising windows of varied size.
 5. The appeal property is located in a predominantly residential area, characterised by the presence of detached dwellings set back from the road behind gardens. Some dwellings sit within expansive gardens, whilst others, including the appeal property, sit on more modest plots. The presence of gardens, trees and the layout of dwellings provides for a green and relatively spacious character.
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6. The appeal property is located within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) considers that, within the Green Belt, the extension or alteration of a building, providing that it does not result in disproportionate additions over and above the size of the original building, is not inappropriate development in the Green Belt.
7. The Council is satisfied that the proposed development would not lead to any disproportionate additions to the original dwelling - the proposal is not inappropriate development in the Green Belt.

Openness and character and appearance

8. Openness is an essential characteristic of the Green Belt. The Council is satisfied that the proposed development would not result in disproportionate additions to the original dwelling and would not harm the openness of the Green Belt.
9. The proposal would significantly alter the appearance of the host property. The proposal would project forwards and would largely fill the original L-shape footprint.
10. The proposed front façade would bear no resemblance to the original dwelling. Rather, the host property's original, characterful features comprising the distinctive fenestration and cat slip roof form, would be lost. These distinctive elements would be replaced by an unduly dominant modern façade that would draw attention to itself by the introduction of numerous large windows, including a prominent Juliette balcony style window, the whole appearing visually intrusive.
11. The design of the proposal is such that it would fail to appear subservient or subordinate to the host property. Rather, the proposal would entirely overwhelm the appearance of the original dwelling.
12. The harm arising from the above would be exacerbated as a result of the prominent position of the proposed front façade – facing the street and brought closer to it by the proposal's forward projection.
13. Taking the above into account, I find that the proposed development would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Local Plan Part One¹ Policy ENV6; to Local Plan Part Two² Policies DM3 and DM21; and to the Council's Householder Extensions Supplementary Planning Document (2021), which together amongst other things, seek to protect local character

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

¹ Reference: Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015).

² Reference: Cheshire West and Chester Local Plan (Part Two) (2019).