



Appeal Decision

Site visit made on 13 February 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2023

Appeal Ref: APP/A0665/D/22/3309078

Fox Covert Lodge, Cheese Hill Lane, Norley, Northwich CW8 2TQ

- 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 Ralph and Mrs Alison Ramsey against the decision of Cheshire West and Chester Council.
 - The application Ref 22/00214/FUL, dated 18 January 2022, was refused by notice dated 11 August 2022.
 - The development proposed was originally described as dormer to garage conversion to provide dependent's accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the host dwelling and surrounding area.
 - Whether any 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

Whether inappropriate development

3. Fox Covert Lodge is a detached dwelling located within the Green Belt. The property has a detached garage which is subject to the appeal.
4. Policy STRAT9 of the Cheshire West & Chester Council Local Plan (Part One) Strategic Policies (2015) (LPPO) requires restrictions to development within the Green Belt to apply in line with the Framework. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Under section c) of that paragraph an extension to a building will not be inappropriate provided that it would not

result in disproportionate additions over and above the size of the original building.

5. This is also reiterated in Policy DM21 of the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (2019) (LPPT) which states extensions and alterations to existing dwellings will be supported only if the resulting development would not result in disproportionate additions over and above the size of the original building. This policy is not included in the reason for refusal relating to this main issue, but it is referred to in the officer's report and relevant to this main issue.
6. The Framework and local planning policies do not specify what might be considered a disproportionate addition over and above the size of the original building. However, the supporting text of Policy DM21 states that, as a general guide, 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 is reiterated in the Council's House Extensions and Domestic Outbuildings Supplementary Planning Document (2021) (SPD).
7. The Framework defines an original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Fox Covert Lodge has been significantly extended in the past. The Council highlight that it was previously a modest 2-bedroomed dwelling, and it already has extensions that amount to around 75% compared to the original dwelling.
8. The appellant highlights that the additional floorspace and volume is negligible. The height of the garage would remain as existing with the eaves and ridge lines retained. Although I recognise that the proposed extension is small, it would further increase the scale and massing of the dwelling compared to the original dwelling. The proposal in conjunction with the previous extensions would therefore result in a disproportionate addition over and above the size of the original building.
9. Consequently, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt having regard to the Framework along with Policy STRAT9 of the LPPO and Policy DM21 of the LPPT.

Openness

10. Paragraph 137 of the Framework states that the 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.
11. The proposed development would have a very limited impact on the openness of the Green Belt due to the modest size of the extension and the boundary hedge (adjacent to Cheese Hill Lane) would provide some screening. Nonetheless, it would result in a reduction in the openness of the Green Belt because the scheme would increase the level of built development in this location and would also add to the cumulative bulk of the property. The development would therefore not preserve the openness of the Green Belt, albeit the additional harm to openness would be very limited.

Character and appearance

12. Fox Covert Lodge is an attractive, traditional property. There are no properties adjacent to Fox Covert Lodge. Within the surrounding area the scale, design and massing of dwellings varies.
13. The proposed development would result in a large dormer. By virtue of the scale, massing, design and position of the dormer it would dominate the roof plane of the garage. The scale and design of the dormer would not reflect the style and character of the host property, or garage. The proposal would therefore not be a sympathetic or subordinate addition to the host dwelling. The existing boundary treatment would provide some screening. Nonetheless, given the topography of the area which results in the garage siting higher than the road, the dormer would be visible from parts of Cheese Hill Lane, particularly in winter months.
14. I acknowledge that the windows and doors of the host dwelling could be replaced which could result in a more contemporary appearance and the proposal has been designed to enjoy views of the countryside. However, those considerations do not outweigh the harm I have found.
15. For these reasons, the proposed development would cause harm to the character and appearance of the host dwelling and surrounding area. Consequently, it would conflict with Policy ENV6 of the LPPO and Policies DM3 and DM21 of the LPPT. These policies seek, amongst other matters, to ensure the resulting development is in keeping with the character and appearance of, and is subordinate to, the dwelling and area.
16. The proposed development would also conflict with chapter 12 of the Framework which seeks to achieve well-designed places and ensure that developments are sympathetic to local character. In addition, it would conflict with the SPD which states that the scale and design of domestic outbuildings should reflect the style and character of, and be proportionate to, the original dwelling.

Other considerations

17. I acknowledge the other considerations highlighted, including the garage space is unable to be converted, the existing garage has limited head height, the proposed development would provide accommodation for the appellants son, images of similar proposals described as precedents, proposal acceptable in terms of living conditions and if to the rear would be permitted development.
18. Planning Practice Guidance sets out that planning permission usually runs with the land. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission¹. Personal circumstances rarely outweigh general planning considerations as the occupants of a dwelling can change whereas an extension would be permanent. Having regard to the information submitted, I do not consider that the appellants circumstances amount to an exceptional occasion.
19. There is extremely limited information submitted regarding the images of similar proposals, including whether they are in the locality or Green Belt. I do

¹ Paragraph: 015 Reference ID: 21a-015-20140306

not consider that these images have set a precedent. In any case, each case is treated on its own merits, and I have made a planning judgement based on the site specific context on the ground.

20. The Council highlight that permitted development rights do not allow for dormer window extensions to outbuildings and as such there is no PD fallback position. The proposal before me could not be constructed under permitted development, and there is not a greater than a theoretical possibility that a dormer located elsewhere might take place.
21. Furthermore, the absence of harm and compliance with local and national planning policies does not amount to a positive factor in favour of the scheme. Based on the evidence presented, the other considerations highlighted by the appellant do not amount to a positive consideration in support of the appeal.

Whether very special circumstances exist

22. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The proposal would not preserve the openness of the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt and 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.
23. The other considerations highlighted are given neutral weight in that they neither weigh in favour or against. When drawing this together, the other considerations advanced in support of the appeal whether taken individually or cumulatively, do not, clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist. Consequently, the scheme would conflict with Policy STRAT9 of the LPPO, Policy DM21 of the LPPT and chapter 13 of the Framework, which seeks to protect the Green Belt, and the proposed development would amount to inappropriate development in the Green Belt.

Conclusion

24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR