



Appeal Decision

Site visit made on 21 February 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/A0665/D/22/3309660

Wayside Cottage, Church Lane, Hargrave, Chester CH3 7RH

- 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 & Mrs Mark & Claire Houston against the decision of Cheshire West and Chester Council.
 - The application Ref 21/04570/FUL, dated 10 November 2021, was refused by notice dated 4 October 2022.
 - The development proposed is described as 'Porch extension to property frontage with two storey rear extension and new garage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans, which were amended at the planning application stage, that the development proposed is a part two storey/part single storey rear extension. I have therefore dealt with the appeal based on the amended plans. I have also taken the appellants' name from the appeal form as this is more accurate.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the original dwelling and the surrounding area.

Reasons

4. The appeal relates to a two-storey detached property that holds a prominent position along Church Lane. Although there are other houses nearby, the surrounding area is dominated by relatively flat open fields and agricultural land. These combine with the visual gaps between houses, generous garden areas, low boundary walls, hedgerows and shrubbery to provide the immediate area with a spacious verdant character. It is also undisputed that the appeal site lies outside of any identified settlement and is therefore within the countryside.
5. Policy DM21 of the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies 2019 (LP2) supports extensions, alterations and outbuilding/structures in the curtilage of a dwellinghouse, subject to meeting certain criteria. Amongst other things, this requires the resulting development to be in keeping with the character and appearance, and to be

- subordinate to, the original dwelling and surrounding properties, and the wider setting.
6. The explanation to Policy DM21 indicates that as a general guide subordinate and small-scale extensions should not increase the size of the original dwelling by more than 30%. This text also confirms that the increase in size of the original or existing dwelling will generally be determined by assessing the net increase in floorspace (measured externally).
 7. I understand the rationale put forward for the design and style of the original scheme. Nonetheless, revised plans superseded this at the planning application stage, and I am required to consider the appeal based on the scheme and the plans which were before the LPA when it made its decision.
 8. The revised plans show the proposal to be reduced in size and scale, set below the existing roof ridge, with materials and roof angles to match those found on the existing building. However, Wayside Cottage has already been significantly extended at two storey level to the side and rear. According to the Council's uncontested measurements, the proposal in conjunction with other extensions (excluding the garage) would result in a 140% increase in floorspace. I have no substantive reason to question this figure.
 9. My site observations also confirmed that the size and scale of the proposal when combined with that of the existing extensions would comprise a substantial proportion of the original house, thereby further dominating, subsuming, and substantially changing its form, character and appearance. Accordingly, it would not appear subordinate but would cumulatively challenge the scale and dominance of the original dwelling.
 10. The proposed development would be clearly visible from the gap in between Wayside Cottage and No 1, from the western end of Church Lane. As a consequence, it would appear as an oversized, dominant and conspicuous feature that would detract from the spacious character of the surroundings.
 11. The Council's Supplementary Planning Document: House Extensions and Domestic Outbuildings 2021 (SPD) sets out that where a 'fallback' position via permitted development rights can be demonstrated, it is capable of being a material consideration. The appellants have submitted a layout plan to show ground floor and first floor extensions and consider these to be permitted development. However, there are no elevational plans or certificates of lawful development to these effects before me, so I am unable to conclude that they would not require planning permission or be more harmful than the proposal. Given this uncertainty the fallback attracts limited weight as a material consideration.
 12. As such, I find that the proposed development would harm the character and appearance of the original dwelling and the surrounding area due to its size and scale. It would thereby conflict with Policy ENV6 of the Cheshire West and Chester Council Local Plan 2015 (Part 1) (LP1) and LP2 Policies DM3 and DM21. These seek, amongst other matters, to ensure that development is of high-quality design, respecting scale, character and appearance, and is subordinate to the original dwelling. In similar respects, conflict would arise with the design objectives of the Central Gowy (South) Neighbourhood Development Plan 2015-2030, and advice within the SPD.

13. The Council's reason for refusal also refers to LP1 Policy SOC3. However, this relates to housing mix and type rather than design so is not directly applicable to the appeal.

Other Matters

14. It has been put to me that the proposal would not harm the privacy of the occupiers of neighbouring properties and that access and parking would remain unaffected. Nonetheless, the absence of harm in these respects does not weigh in favour of the proposed development.
15. I also note that the appellants are dissatisfied with the Council's approach and communication during the process of the planning application. However, this has had no bearing on my decision as I have only had regard to the planning merits of the appeal proposal that is before me.

Conclusion

16. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR