



Appeal Decision

Site visit made on 1 August 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal Ref: APP/A0665/W/23/3318102

Woodside House, Church Road, Saughall, Cheshire and West Chester, Chester CH1 6EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Garry Bubb against Cheshire West and Chester Council.
 - The application Ref 23/00055/FUL, is dated 8 January 2023.
 - The development proposed is construction of dormer and first floor terrace.
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Decision

1. The appeal is allowed and planning permission is granted for construction of dormer and first floor terrace at Woodside House, Church Road, Saughall, Cheshire and West Chester CH1 6EP in accordance with the terms of the application, Ref 23/00055/FUL, dated 8 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: P101 and P102
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Preliminary Matters and Main Issues

2. The appeal follows the failure of the Council to determine the planning application within the prescribed period. Had it been able to determine the application, the Council has indicated that the application would have been refused.
3. I note that the Council have set out their concerns and objections to the proposal within their Planning Appeal Statement. While this is not the application decision, as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.
4. Therefore, 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; and,

- The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Whether Inappropriate Development in the Green Belt

5. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt 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.
6. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling. Policy Strat 9 of the Local Plan (Part One) Strategic Policies (the SP) and Policy DM21 of the Local Plan (Part Two) Land Allocations and Detailed Policies (the LADP) rely, in so far as they are relevant to the matters of the appeal before me, on the exceptions set out within the Framework.
7. The explanation to LAPD Policy DM21 sets out, as a guideline, that subordinate and small scale extensions should not increase the size of the original dwelling by more than 30%. I understand that this relates to extensions generally, not specifically Green Belt development. Whilst I am mindful of this guidance, I find that the test as to whether a development is subordinate and small scale is not the same as to whether it is disproportionate. I therefore find that an extension that increases the size of the original dwelling by more than 30% is not innately disproportionate.
8. Extracts from a recent appeal decision¹ have also been provided and these show that the floor area of the dwelling has been extended by 65%. Whilst I am mindful of this, a property's floor area is only one facet of its overall size.
9. The proposal would result in the creation of a side facing dormer and a roof terrace served by a glazed balustrade. Whilst the dormer and balustrade would add to the overall size of the host building, the terrace would cut into the roof and therefore result in a modest reduction. Overall, I find that there would be a small increase in the size of the host dwelling. I recognise that small extensions, which on their own may not be disproportionate, can incrementally result in a disproportionate addition. However, in this case the increase is so modest that I find even with the previous extensions the proposal would not be disproportionate.
10. As the proposal would comprise an extension to the host building that is not disproportionate, either on its own or taken cumulatively, to the size of the original building, it would not be inappropriate development within the Green Belt. It would therefore comply with the relevant parts of SP Policy Strat 9 and LADP Policy DM21. It would also comply with Section 13 of the Framework with regard to protecting the Green Belt, including Paragraph 149 as outlined above.

¹ Reference: APP/A0665/D/21/3279376

Effect on the Openness of the Green Belt

11. Paragraph 137 of the Framework identifies openness as one of the essential characteristics of Green Belts, along with permanence. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
12. The proposal would, as noted above, increase the size of the dwelling. However, this would be to only a very modest degree and, by way of solely altering the roof, would not extend the building on to an undeveloped area. Moreover, given the site's location within a built-up area, the proposal would be read in connection with this and not the wider open countryside outside of the settlement. Therefore, and whilst visible from the wider countryside, the proposal would not adversely affect the spatial or visual aspects of the openness of the Green Belt.
13. For the above reasons, the proposed development would not have a perceptibly greater impact on the openness of the Green Belt than the existing development. In this way it complies with SP Policy Strat 9 and LADP Policy DM21 and the Framework, as outlined above.

Character and Appearance

14. Church Road is a main thoroughfare through Saughall, it is characterised by primarily residential properties within a variety of styles and reads as an area that has grown organically. The host dwelling appears to be one of the more modern dwellings within the area and its roofscape and external finish further present a modern and unique dwelling within the street scene. During my site visit I found there to be very little symmetry or consistency in the roofscape surrounding the appeal site.
15. Although it would be a prominent addition as a result of its elevated position towards the front of the roof, the proposal would be, as set out above, a relatively modest feature. Moreover, the dwelling is already a unique feature within a varied street scene. Therefore, whilst side dormers and roof terraces may not be typical for the area, the proposal would not be an incongruous feature to the detriment of the roofscape along Church Road. I do not consequently find that it would be harmful to the character and appearance of the street scene.
16. The proposal would not harm the character and appearance of the surrounding area and would therefore comply with SP Policies STRAT9 and ENV6, and LADP Policies DM21 and DM3. These collectively, and amongst other matters, require developments to be of a high-quality design that respects its surroundings, including with regard to scale and sense of place, and does not result in harm to the character and appearance of the surrounding area. The proposal would also comply with Paragraph 130 of the Framework regarding development adding to the quality of the area, being visually attractive and sympathetic to its surroundings. It would also comply with the design guidance contained within the Supplementary Planning Document: House Extensions and Domestic Outbuildings, in particular that under Section 5.

Other Matters

17. Whilst the appellant has made it clear that they would be willing to forego the erection of the bay windows granted under the previous planning permission,

no mechanism has been provided to control this. Therefore, whilst mindful of this, it has not been determinative in my consideration of the appeal.

18. Given the positioning of the proposal on the host dwelling and its relationship to neighbouring dwellings there would be no loss of privacy for neighbouring occupiers. Moreover, I do not find that there would be an unacceptable perception of overlooking. It would not, therefore, be necessary to install screening around the proposal.

Conditions

19. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
20. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the surrounding area a condition is also required to ensure that the materials used match those of the host dwelling.

Conclusion

21. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR