



Appeal Decision

Site visit made on 17 October 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2023

Appeal Ref: APP/A0665/D/23/3320634

Glenroy, School Bank, Norley, Northwich WA6 8JY

- 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 D Crawford against the decision of Cheshire West and Chester Council.
 - The application Ref 22/02543/FUL, dated 6 July 2022, was refused by notice dated 10 February 2023.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for Two storey side extension at Glenroy, School Bank, Norley, Northwich WA6 8JY in accordance with the terms of the application, Ref 22/02543/FUL, dated 6 July 2022, 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 plan: Drawing No. CPS107/04 Sheet 01/01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The description of development given above is taken from the Council's Decision Notice and the appeal form, rather than the planning application form, as this provides a more concise description of the proposal.

Main Issues

3. The main issues are:
 - Whether the proposed development is inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - The effect of the development on the living conditions of the occupiers of Lynton, with particular regard to light and outlook.

Reasons

Inappropriate development

4. The appeal site is located within the village of Norley which is washed over by the Green Belt. The Framework establishes that new buildings in the Green Belt

are inappropriate other than for specified exceptions that are set out in paragraph 149.

5. Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1) indicates that within the Green Belt restrictions will apply to development in line with the Framework.
6. Policy DM21 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) states that extensions and alterations will be supported in the Green Belt if the resulting development would not result in disproportionate additions over and above the size of the original building. This corresponds with one of the exceptions identified at paragraph 149(c). However, there is nothing within the Framework that restricts consideration of a proposed extension, by definition a building, against exception 149(c) only, and no other exception identified at paragraph 149. Consequently, as the policy does not recognise this possibility, it is not fully consistent with the Framework. Accordingly, I have relied upon LP1 Policy STRAT9 and the Framework in assessing whether the development would be inappropriate within the Green Belt.
7. One of the other exceptions identified in the Framework, at paragraph 149(e), relates to limited infilling in villages. The Framework does not provide a definition of 'limited', 'infill' or 'village'. The glossary to LP2, however, defines 'infill' as the filling of a small gap, up to two dwellings, in an otherwise built-up frontage in an identified settlement. The glossary defines 'identified settlement' as the named urban settlements, key service centres, and local service centres only, as set out in Local Plan (Part One) Policies STRAT 3 to STRAT 8 and Local Plan (Part Two) policy R1 and their corresponding boundaries as identified on the proposals map.
8. The proposed two storey extension would be located between existing dwellings that form part of a row within Norley, identified as a local service centre in LP2 Policy R1. It would largely fill a gap, smaller than two dwellings wide, that is formed by the host property and the adjoining dwelling. In this context, given its limited width and position to the side of the host dwelling, the proposed extension would be limited infilling. The proposal would not, therefore, be inappropriate development within the Green Belt as defined at paragraph 149(e) of the Framework and in the development plan.
9. As I have previously stated, the Council have considered the development against paragraph 149(c) of the Framework which advises that extensions or alterations of a building are not inappropriate providing they do not represent disproportionate additions over and above the size of the original building. However, even if I were to conclude that the proposal amounts to a disproportionate addition to the original building, that does not alter my view that the development is not inappropriate by virtue of compliance with the exception set out at paragraph 149(e).
10. I therefore conclude that proposal is not inappropriate development in the Green Belt and would not conflict with LP1 Policy STRAT9 which indicates that within the Green Belt restrictions will apply to development in line with the Framework. Accordingly, there is no need for the appellant to demonstrate that very special circumstances exist or for me to go on to consider the effect of the proposed development on the openness or purposes of the Green Belt.

Living conditions

11. The side elevation of the adjoining property, Lynton, is separated from the common boundary, defined by a low wall, by a narrow driveway.
12. Lynton has two windows in the side elevation facing towards the appeal property. The floor plans show that the first-floor window, which I observed is obscure glazed, is to a landing. As that window does not serve a habitable room any impact on light and outlook would not, on its own, justify withholding planning permission.
13. The information provided by the appellant indicates that the ground floor window in the side elevation of Lynton serves a large kitchen and dining area and that the room is also served by two rear facing windows.
14. The light to, and outlook from, the ground floor side facing window of Lynton are already affected by the appeal property and its existing single storey side extension. The proposed development would introduce a two-storey extension very close to the shared boundary that would have a marginally larger footprint than the existing single storey extension it would replace. Nonetheless, given that the room is served by more windows in the rear elevation, I do not consider that the proposal would unacceptably affect the living conditions of the occupiers of Lynton.
15. Accordingly, I find that the living conditions of the occupiers of Lynton would not be unacceptably harmed by the proposal, with particular regard to light and outlook. There would be no conflict with LP1 Policy SOC5 or LP2 Policies DM21 and DM2 which seek to protect residential amenity and safeguard the quality of life for residents. It would also accord with the guidance within the House Extensions and Domestic Outbuildings Supplementary Planning Document (2021) and the Framework that seeks to promote a high standard of amenity.

Conditions

16. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying the approved plans. A condition relating to matching materials is also necessary to ensure that the appearance of the new development would be satisfactory.

Conclusion

17. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal is allowed.

Elaine Moulton

INSPECTOR