



Appeal Decision

Site visit made on 24 October 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/A0665/D/23/3327345

Church Cottages, Knutsford Road, Antrobus, Northwich CW9 6JW

- 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 Aravinthan Avi against the decision of Cheshire West and Chester Council.
 - The application Ref 23/00908/FUL, dated 17 March 2023, was refused by notice dated 3 July 2023.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at Church Cottages, Knutsford Road, Antrobus, Northwich CW9 6JW in accordance with the terms of the application, Ref 23/00908/FUL, dated 17 March 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: Drawing No. 210701 L 031 A, Drawing No. 210701 L 033 A, and Drawing No. 210701 L 035 A.
 - 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.
 - 4) The garage hereby approved shall be made available for car parking before any part of the extensions that are under construction (pursuant to planning decisions 22/01823/FUL and/or 22/04325/LDC) are first used, and shall be retained for such use at all times thereafter.

Preliminary Matters

2. The description of development given above is taken from the Decision Notice and the appeal form, rather than the planning application form. This reflects amendments that were made to the scheme at the application stage. I will determine the appeal on that basis.

Main Issues

3. The main issue is 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.

Reasons

4. The appeal site is located within the village of Antrobus 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) of the Framework. However, there is nothing within the Framework that states that a proposed extension, by definition a building, should only be considered against exception 149(c). 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. The appellant has highlighted the exception set out at paragraph 149(e) of the Framework which relates to limited infilling in villages. The Framework does not provide a definition of 'limited', 'infill' or 'village'. However, whilst I have not been provided with a copy in respect of this appeal, I am aware that the development plan defines 'infill' as the filling of a small gap, up to two dwellings, in an otherwise built-up frontage in an identified settlement. I am also aware Antrobus, as an identified local service centre, accords with the development plan's definition of 'identified settlement'.
8. The proposed single storey extension would be located between existing dwellings that form a row of buildings within the built-up area of the village of Antrobus. 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 constitute limited infilling. The proposal would, therefore, be appropriate development within the Green Belt as defined at paragraph 149(e) of the Framework.
9. 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 the proposal would not be inappropriate development in the Green Belt. As such it would not conflict with LP1 Policy STRAT9, which indicates that within the Green Belt restrictions will apply to development in line with the Framework, or with guidance within the House Extensions and Domestic Outbuildings Supplementary Planning Document (2021).

11. Having reached that conclusion, it is neither necessary nor appropriate for me to go on to consider the impact of the proposal on the openness of the Green Belt or to address whether there are other considerations that amount to very special circumstances.

Other Matters

12. I have had regard to the other matters raised by local residents, including loss of light, harm to outlook, and an increase in vehicles parking on the road. However, I have been presented with no substantive evidence that would lead me to disagree with the Council's conclusions on these matters and determine that the proposal would result in material harm sufficient to justify dismissing this appeal.
13. Concerns have also been expressed about the extensions that are under construction. It has also been suggested that the proposed single storey extension would be converted into two storeys at a later date. However, such matters are not before me and, consequently, fall outside of the remit of this decision.
14. It has been suggested that the proposed extension is for a gym/games room. Nevertheless, the appeal plans refer to its use as a garage and I have determined the appeal on that basis.
15. I have taken account of all other matters raised in the representations, but I have found nothing, whether individually or cumulatively, to change my conclusion that the development would be acceptable and that the appeal should be allowed.

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.
17. To ensure that sufficient parking provision is made for the dwelling, which is currently being extended, it is necessary to include a condition that requires the retention of the garage for that purpose in the interests of highway safety. I have amended the wording of the condition from that suggested by the Council in the interests of clarity and to reflect that the proposal does not involve a first-floor extension.

Conclusion

18. 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