

Appeal Decision

Site visit made on 31 October 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/A0665/D/23/3321774

Oakwood, Parkgate Road, Saughall, Chester CH1 6JS

- 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 Mike Hope against the decision of Cheshire West and Chester Council.
 - The application Ref 22/01279/FUL, dated 3 April 2022, was refused by notice dated 23 February 2023.
 - The development proposed is described as 'two storey side extension, demolition and rebuild of existing garage and workshop area, with storage over. Conversion of loft and internal remodelling of part of existing house. Rear balcony to part of dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to planning permission reference 17/02588/FUL, for a front porch extension, single storey side extension and two storey side (part rear single storey) extension. The main parties agree that the planning permission remains extant as the single storey extension was constructed, and there is nothing before me that would lead me to a different conclusion.

Main Issues

3. 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 on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the host property and the area; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other consideration so as to amount to the very special circumstances to justify the proposal.

Reasons

Inappropriate development

4. The appeal site is located within the Green Belt where development is inappropriate unless it falls within the lists of exceptions set out in paragraph

- s149 and 150 of the Framework. One of the identified exceptions, paragraph 149(c), is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
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. 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 in the Framework at paragraph 149(c). Accordingly, in as far as the proposed development is concerned, such policies are consistent with the Framework.
 6. Neither the Council's policies nor the Framework make specific reference to outbuildings within the Green Belt. It would appear, however, that the Council have treated the proposed outbuilding as an extension to the dwelling. It would be very close to the existing dwelling and in such a position would be a normal domestic adjunct. Accordingly, it is reasonable to treat the proposed garage, with storage above, as an extension and assess it under the parameters of Framework paragraph 149(c) also.
 7. The Framework does not provide a definition of 'disproportionate additions. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement, although the supporting text to LP2 Policy DM21 sets a guideline of 30%.
 8. The Council and the appellant do not agree on the percentage increase of the original dwelling as proposed. The Council have calculated that the proposed development, together with existing alterations and extensions, and the extant permission for a two-storey extension, would result in an increase of approximately 159.3%. The appellant, however, indicates that as there is no intention to construct the two-storey extension pursuant to the extant permission it should not be factored into the calculations. The appellant, however, acknowledges that the proposed extension would exceed 30% beyond the size of the original dwelling although no indication has been provided as to what the cumulative increase would be.
 9. I acknowledge that the proposed two storey extension is smaller than that permitted under planning permission 17/02588/FUL, and that the Council found that extension to be appropriate development in the Green Belt. Nonetheless, in consideration of the appeal plans, it is evident that the proposed two storey extension and replacement garage, in combination with the rear extension that has already been constructed, would represent a substantial increase in floorspace and volume to the original dwelling. Therefore, even when the extant permission is disregarded, I find that the cumulative increase arising from the proposed two storey side extension and garage, and the previous additions, would be disproportionate to the size of the original building.
 10. Therefore, the proposal is inappropriate development and would conflict with LP1 Policy STRAT9, LP2 Policy DM21 as well as the Framework.

Openness

11. The Framework, at paragraph 137, sets out 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. Openness has both spatial and visual aspects.
12. The proposals would not be prominent in public views due to the significant set back from the road and the trees and hedgerow along the front boundary. Nonetheless, the significant increase in the massing of built form arising from the replacement garage and workshop, and the two-storey extension, as proposed, would be discernible in views from the public highway. Consequently, the proposed development would reduce the openness of the Green Belt spatially and visually.
13. On this issue, I conclude that there is a loss of openness in the Green Belt which conflicts with paragraph 137 of the Framework.

Character and appearance

14. The host property is a large two-storey detached dwelling that is set back a considerable distance from Parkgate Road behind a mature hedge and trees. Along Parkgate Road is a loose and sporadic form of development comprised of buildings of varied design and appearance, interspersed by undeveloped spaces.
15. The House Extensions and Domestic Outbuildings Supplementary Planning Document (SPD) provides guidance intended to help ensure that side extensions do not unbalance the appearance of existing buildings. It states that side extensions will be supported where they are subordinate to the main building and sets out several criteria to achieve this.
16. The proposed two-storey extension would be a little more than half the width of the existing front elevation, and its ridge level would be in line with that of the host dwelling, which would not accord with the guidance in the SPD. Nonetheless, the design of the proposed extension would, largely, match that of the existing house. Furthermore, although it would be marginally wider and have a different window arrangement than the setback element of the existing front elevation, its design and appearance would respect, and would not unbalance, the appearance of the host dwelling. Accordingly, it would not harm the character and appearance of the host dwelling or the area.
17. The proposed garage would have a considerably greater footprint than that of the existing garage and workshop. Its width would be comparable to that of the original dwelling and would be approximately two thirds of the width of the dwelling if extended as proposed. Whilst the overall height would be comparable to that of the existing garage, it would be taller than the larger existing workshop and its ridge would be in line with the eaves of the proposed two storey extension. Consequently, although its steeply pitched roof would reflect the roof of the existing dwelling, the overall bulk and mass of the proposed garage would visually compete with the scale of the dwelling as existing and proposed. The resultant building would not be proportionate to the dwelling and would be overly dominant in appearance. Whilst it would not be prominent in public views and would not therefore harm the character or

appearance of the area, it would be incongruous and incompatible with the appearance of the dwelling.

18. Consequently, the proposed garage would harm the character and appearance of the host dwelling. It would therefore conflict with LP2 Policy DM21 and the SPD which, together, seek to ensure that development is well-designed and that domestic outbuildings are proportionate in scale.

Other considerations

19. Reference has been made to a fallback position, namely the implementation of the extant permission and the construction of the permitted two storey extension. The consideration of a fall-back position, including what could be erected under previous planning permissions, is a well-established principle. However, for a fall-back position to weigh heavily in favour of a proposal there shall normally be a real prospect of a closely comparable form of development occurring.
20. The proposed two storey extension would provide broadly similar accommodation to that which would be provided in the permitted two storey extension. Accordingly, I have good reason to consider that if the appeal were dismissed that there is a realistic prospect of the permitted two storey extension being constructed. This amounts to a fallback position.
21. Although on the other side of the existing dwelling, the proposed two storey extension adds a broadly similar volume to the dwelling as the extant permission. However, unlike the permitted two-storey extension which would reach beyond the existing built parameters on the site, the one before me would be positioned between the existing dwelling and its outbuildings. This would reduce its impact on the openness of the Green Belt when compared to that already permitted. Taking such factors into consideration, I find that the already permitted two storey extension would have a marginally greater impact on the spatial and visual dimensions of the openness of the Green Belt than the proposed two storey extension.
22. There is, however, the prospect that should the appeal be allowed the extant permission for the two-storey extension could be implemented in addition to the two-storey extension that is before me. This is acknowledged by the appellant who sets out the intention to enter into a legal agreement that would prevent the construction of both the permitted and the proposed two storey side extensions.
23. Nonetheless such an obligation is not before me and, therefore, there remains the possibility that both the permitted and proposed two storey extensions would be constructed. Accordingly, in the absence of a mechanism that would prevent the implementation of the extant permission I can only attach limited weight to the fallback position.

Green belt balance

24. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm to openness.
25. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

special circumstances. The Framework goes on to indicate, at paragraph 148, that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.

26. The other consideration I have identified is of limited weight in favour of the proposal. Whilst I have found that the design of the proposed two storey extension is acceptable, that is a neutral factor.
27. Consequently, such a consideration, along with all other matters identified in the evidence, does not clearly outweigh the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

28. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
29. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR