



Appeal Decision

Site visit made on 6 March 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 22.04.2024

Appeal Ref: APP/A0665/D/23/3331766

Byeways, 24 Bridge Drive, Christleton, Chester CH3 6AW

- 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 Edge against the decision of Cheshire West and Chester Council.
 - The application Ref: 23/01309/FUL dated 19 April 2023 was refused by notice dated 24 August 2023.
 - The application is for two storey side and rear extensions and first floor front extension. Alterations to roof height, solar panels, air source heat pump and render.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in December 2023. In the context of the main issues in this appeal the Framework's policy content has not materially changed. Therefore, there is no requirement for me to seek further submissions on this latest version and I am satisfied no party would be prejudiced by my determining the appeal in accordance with the revised provisions within the Framework.
3. The description used in the application form also differs from that used by the Council's decision notice. However, the letter from the Council of 27th April 2023 asked whether any objections were raised to this change in description and, seemingly, none were advanced. As such I have used the description as used by the Council as it more accurately reflects the changes proposed.

Main Issues

4. The main issues are:
 - i) Whether or not the proposed development would be inappropriate development in the Green Belt;
 - ii) The effect of the proposed development upon the openness of the Green Belt;
 - iii) The effect of the proposed development upon the character and appearance of the host dwelling and the area; and,
 - iv) If the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly

outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. The appeal site is within the Green Belt within which paragraph 142 of the Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework identifies the construction of new buildings should be regarded as inappropriate development, subject to certain exceptions. One exception in paragraph 154 is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define what is disproportionate, but Annex 2 defines the original building as being, as it existed on 1 July 1948 or, if constructed after, as it was built originally.
7. Policy STRAT9 of the Cheshire West and Chester Local Plan Part One (the LP1) states that in settlements and areas of the countryside that are within the Green Belt, restrictions will apply to development in line with the Framework. Policy DM21 of the Cheshire West and Chester Local Plan Part Two (the LP2) proposals must accord with Green Belt policy as set out in the Framework and that extensions and alterations should not result in disproportionate additions over and above the size of the original building. Therefore, the text of both policies is consistent with the Framework.
8. While the main text of both policies does not define what is disproportionate, the supporting text of DM21 provides some guidance upon how the Council will consider extensions and additions, referring to a 30% increase in the size of a dwelling as an indicative figure. As this is indicative only and specified quantitative attributes may not be determinative, I attach moderate weight to this figure as a material consideration.
9. The Appeal property is a suburban detached house that sits within an enclave of similar properties of related architectural styles. It currently presents a gable elevation with double height bay windows and a porch to the front facing Bridge Drive which contributes in a generally positive manner to the character and appearance of the streetscene. To the rear the house has previously been extended with a single storey and two storey rear extension and garage.
10. The proposal before me seeks permission to enlarge the rear extension, raise the roof of the property to enable a further extension along the side elevation to increase the internal floor space and circulation. There would also be a front extension over the porch to infill the void created by the existing lean-to porch and front gables. The proposals also intend to integrate energy efficiency and renewable energy generation measures.
11. The original building¹ appears to have consisted of the majority of the principal house with the absence of additions to the rear. These additions largely

¹ The original building in this case is the structure as it stood pre 1 July 1948.

consisted of a detached garage to the rear, a two storey extension to the rear and a smaller, single storey rear extension². These have resulted in an additional 41.9 square metres added to the footprint of the property which equates to around a 37% increase in floorspace.

12. It is common ground between the parties that this scheme would result in a cumulative increase of 67.4% in floorspace above the original. As such this is an increase over the suggested 30% as suggested by Policy DM21. There would also be significant increases in the volume, scale and bulk of the dwelling.
13. The Council have sought to accommodate some flexibility into this policy by suggesting the size of cumulative extensions could, in this specific case, rise from 30% to 50% of the pre 1948 building³. However, the proposal would be significantly above this and it is clear that the proposed extensions would constitute a significant extension of the footprint of the original dwellinghouse that would represent a disproportionate addition, and therefore constitute inappropriate development in the Green Belt.

Effect of the proposals upon the openness of the Green Belt

14. Although the tree lined residential streets and gardens reflect something of the surrounding countryside, there is limited actual perception of open countryside from Bridge Drive or the appeal site itself. Although there are views of distant trees, the overall character and appearance of the area is one of suburban housing, albeit one that has taken some of the best cues from its surrounding landscape and integrated it into the original streets and gardens.
15. The effect upon openness of the Green Belt has both a spatial aspect as well as a visual aspect⁴. In this case there would be limited visual impact upon the openness of the Green Belt but there would be a cumulation of built form upon this particular plot that would further enclose the streetscene through the encroachment into the existing gap between the appeal property and its neighbour. As a result, there would be some limited impact upon the spatial characteristics of the area which would cause some cumulative harm.
16. Therefore, the proposed development would result in limited adverse effects to the visual and spatial openness of the Green Belt.

Effect of the proposal upon the character and appearance of the area

17. Bridge Drive and its surrounding streets contain several different house types that do differ even though they are obviously of the same palette and general architectural style. What creates synergy between them is the attention to detail and the quality in terms of both materials, proportions and architectural features. The appeal property for instance contains its double bay gable, its hipped, conical roof and its simple, yet effective brick door surround as notable features that reflect the mid 20 century origins of the wider estate.

² Planning reference numbers: 6/2440 – Detached Garage, 6/2834 – Extension and 14/02855/FUL – Single storey rear extension.

³ Email from the Council dated 10 July 2023 suggests a cumulative extension below 50% of the pre 1948 level would be considered acceptable.

⁴ *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466

18. The proposals, although largely contained to the side and rear of the house, would have an impact upon the character of the area and the property frontage. The most obvious of these would be the partial render to the first floor that would offer some departure from the existing house as well as the front extension which would alter the principal elevation of the house.
19. In assessing these changes, although the render would reflect other properties nearby, the proposed infilling over the existing front porch would result in a loss of some notable definition of the front bay feature and front elevation. This would be harmful to the existing house and the streetscene through the dilution of existing architectural features and the lack of subservience of the proposed front extension.
20. Added to this, in order to obtain the necessary roof forms, this frontage extension would require a new layer of roofing that would seemingly introduce an area of flat roof to this principal elevation. Although the flat roof area would not be readily visible from the streetscene, the introduction of another roof feature here would contribute to a contrived solution that would compromise the notable character of the house as it stands along with its associated architectural features.
21. In assessing the lack of subservience as raised by the Council, the proposed side extension would be so narrow as to make it very difficult to integrate into the overall design of the building were it to be set back and appear subservient as required. I do not consider therefore that it would be possible to set back the proposed side extension without it appearing very unsightly with regards the main house. As such, with this side element being so modest in its impact upon the streetscene, I consider that such a departure from policy would be acceptable due to the need for an overall good design in this specific case.
22. Despite this, the proposed first floor extension over the existing porch together with the introduction of another roof form and the associative dilution of the existing gable feature, would cause harm to the character and appearance of the streetscene. For this reason, I conclude that the character and appearance of the host dwelling and area would be harmed. Therefore, a conflict would arise with Policies ENV6, DM3 and DM21 of the Local Plan, all of which seek to secure good design and recognise the sensitivity to change that front extensions exhibit. Such guidance is reflected in the emphasis upon good design as contained in the Framework and the Council's Supplementary Planning Document (SPD) on extensions⁵.

Other considerations

23. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 explains that substantial weight should be given to any identified harm to the Green Belt.
24. The Appellant has advanced that very special circumstances exist in terms of the proposed extensions being necessary to meet the needs of the family living here as well as the positive economic effects through the construction of the

⁵ Cheshire West and Chester Council Local Plan Supplementary Planning Document: House Extensions and Domestic Outbuildings, January 2021.

extensions themselves. These would be limited benefits attracting limited weight. They also advance that very special circumstances should apply due to the lack of impact upon the openness of the Green Belt as a whole due to the particular siting and location of the house and I give some weight to these matters accordingly. However, there would be some limited visual and spatial effects upon openness, so this does not attract weight in favour of the scheme.

25. The integration of energy efficiency measures would mitigate the effects of the proposal and the existing dwelling to Climate Change. However, the degree of benefit in terms of overall renewable energy generation and whether there would be an overall net benefit above the energy needs of the dwelling is not clear. Based upon the evidence before me, this attracts moderate weight in favour of the scheme.
26. The Appellant has illustrated two local properties that have extended to some degree that they consider supports their case. However, I have no information before me as to the precise reasons, nor the very special circumstances that may have existed in order to fully assess these examples in relation to this case and they do differ in several respects from the proposal before me in relation to their impact upon the character and appearance of the area. As such these examples are not directly comparable to the scheme before me and I can therefore give them only limited weight.
27. The Appellant has also alluded to the potential to extend further under Permitted Development Rights, but, again, I have little information before me as to how such a course of action would represent a feasible and realistic fall back position. As such I can only give this matter limited weight also.

Planning and Green Belt Balance

28. The overall cumulation of the amount of development here, together with the effect of the frontage extension in diluting the principal elevation and its important character, would result in inappropriate development that would also represent a level of harm both upon the openness of the Green Belt and the character and appearance of the area.
29. In assessing the planning balance of this scheme, although I give significant weight overall to the arguments made by the Appellant, these do not clearly outweigh the substantial weight that should be given to any identified harm to the Green Belt. Therefore, they do not constitute the very special circumstances required to justify this development.

Conclusion

30. The proposed development would be contrary to the development plan read as a whole, and the Framework, and there are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

A Graham

INSPECTOR