



Appeal Decision

Site visit made on 9 April 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Appeal Ref: APP/A0665/D/24/3338908

1 Little Mere, Christleton, Chester, Cheshire CH3 7AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Willis against the decision of Cheshire West and Chester Council.
 - The application Ref 22/03361/FUL, dated 6 September 2022, was refused by notice dated 3 January 2024.
 - The development proposed is single storey side extension and terrace.
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Decision

1. The appeal is dismissed insofar as it relates to the terrace. The appeal is allowed insofar as it relates to the single storey side extension and planning permission is granted for single storey side extension at 1 Little Mere, Christleton, Chester, Cheshire CH3 7AA in accordance with the terms of the application, Ref 22/03361/FUL, dated 6 September 2022, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4A – proposed ground floor plan; 8A – proposed front elevation; 9A – proposed elevations; 10A – proposed rear and side elevations; 11A – proposed sketch; 14A – location plan and block plan, except in respect of the glass balustrade to the roof terrace shown on plan numbers 4A, 8A, 9A, 10A and 11A.
 - 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 roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023. On the basis that this was before the planning application was refused and the appeal was made, I am satisfied that the interests of the main parties would not be prejudiced by my taking it into account in my determination of the appeal.

3. The appeal site is in the Green Belt, where the Framework advises that inappropriate development, which is by definition harmful to the Green Belt, should not be approved except in very special circumstances. In this regard, the Framework advises that the construction of new buildings will be inappropriate in the Green Belt subject to limited exceptions including the extension of a building provided it does not result in disproportionate additions over and above the size of the original building. The Council does not explicitly assess the proposal against the policies that protect the Green Belt, but it does find that it would be proportionate and subordinate to the appeal property. On the basis of the plans and building dimensions, I similarly find that the proposal would not be a disproportionate addition to the original building. Accordingly, the proposal would not be inappropriate development and it would not conflict with the policies in the Framework that protect the Green Belt.
4. The development is described in the planning application form as a single storey extension to front and side of house. However, the Council accepted amended plans during the processing of the application which reduced the scale of the extension and aligned it with the front elevation of the appeal property. Accordingly, I have determined the appeal on the basis of the plans considered by the Council and I have adopted the description from the decision notice in the banner heading above, as this better describes the proposal.
5. Plans have been submitted with the appeal to illustrate the proposal without the terrace and balustrade. These were not the plans considered by the Council and they do not correspond to the description of development in the application form or the decision notice. However, they demonstrate that the proposed extension is physically and functionally severable from the roof terrace. Consequently, as I have found that the extension would be acceptable in the absence of the terrace, I intend to issue a split decision in this case and grant permission for the single storey extension but not the terrace.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of the neighbouring residential occupants of No 3, with particular regard to overlooking and loss of privacy.

Reasons

7. No 1 is an end terrace property with living accommodation over three floors. It is formed from the forward part of one of the flanking wings of Little Mere, which is an H-shaped residential development in gated grounds in a wooded setting on the outskirts of Christleton. The principal elevation of No 1 faces west, while its gable end side elevation forms part of the frontage of Little Mere that faces north towards the highway. The side elevation of No 1 is separated from the extensive hardstanding access and car parking around Little Mere by a well vegetated garden enclosed by a low wall.
8. The proposed single storey side extension would be flush with the front elevation of No 1 and it would be set slightly in from the low boundary wall to the rear. Its flat roof would finish just below the level of the first floor windows. It would be finished in brick, with quoins and coping stone, and openings in white-painted timber frames to match its host.

9. While it would be to the side of No 1, the proposal would extend forward from the frontage of Little Mere. Notwithstanding its somewhat prominent location in this regard, the extension would be a low feature and it would be subservient in scale to its host and Little Mere. There is no matching extension on the opposing front wing to the front of Little Mere, but there are variations in the frontage treatment and a similar extension to No 2 to the rear. The Council considers that the proposal would be in keeping with the character and appearance of the property and the area. Taking into account its sympathetic scale, its design and materials, I see no reason to disagree.
10. The flat roof of the extension would function as a terrace enclosed by a glass balustrade. The terrace would span nearly the entire width of the side elevation of No 1 and it would project out by roughly 4m. Taking into account its depth and siting close to the rear elevation of its host, parts of the terrace would offer close and unobstructed views towards the adjoining property No 3.
11. The hardstanding frontage to No 3 is already open and there is little evidence it functions as private outdoor space. As such, elevated views of the frontage would not result in a marked loss of privacy to the neighbours. However, the roof terrace would allow for prolonged and more overt overlooking of the neighbours' ground floor entrance and windows and first floor habitable room windows. This would result in an unacceptable loss of privacy to the residential occupiers of No 3 in their dwelling, to the detriment of their living conditions.
12. The Council suggests that in the event the appeal is allowed a planning condition should be imposed requiring the terrace balustrade along the eastern elevation to be glazed with obscure glass. Obscure glazing would be likely to prevent overlooking by people seated on the terrace. However, the relatively low height of the balustrade would not be sufficient to protect the neighbours' privacy from people standing on the terrace. For this reason, I am not satisfied that the harm could be adequately mitigated by the imposition of conditions.
13. Therefore, I conclude that, while the proposed single storey extension would be acceptable, the terrace would harm the living conditions of the neighbouring residential occupiers of No 3, with particular regard to overlooking and loss of privacy. Accordingly, the proposal would conflict with policy SOC5 of Cheshire West and Chester Council Local Plan Part One: Strategic Policies Adopted January 2015, policies DM2 and DM21 of Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies Adopted July 2019 and the requirements of the House Extensions and Domestic Outbuildings Supplementary Planning Document Adopted January 2021. These require, among other things, that proposals avoid adverse effects on health and quality of life and residential amenity, including with regard to privacy. It would also conflict with the policies in the Framework in relation to creating places with a high standard of amenity for existing and future users.

Other Matters

14. I note the concerns of the neighbours including in relation to an overbearing form of development and loss of light. However, the low single storey extension would be further from No 3 than is the substantially tall rear elevation of No 1. It would not be overbearing to the neighbours, particularly taking into account that the closest ground floor opening in No 3 appears to serve a garage. The proposal would be roughly north west of No 3 and therefore it would be

unlikely to result in increased shading to the neighbours' dwelling, taking into account the existing relationship between the adjoining properties.

15. Where proposals affect a Conservation Area, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this case, Little Mere is outside the boundary of Christleton Conservation Area (the CA). The proposal would be a small-scale, subservient addition to Little Mere, in matching materials and detailing and unobtrusively set back and screened from the CA. As it would not be a prominent or discordant feature, nor within the CA, I am satisfied it would not be capable of harming the significance of the CA as a whole.

Conditions

16. The Council suggests planning conditions in the event the appeal was allowed. I have considered these against the tests in the Framework.
17. In addition to the standard time limit condition, I have also imposed a condition specifying the approved plans in the interests of certainty. Notwithstanding the details on the plans, a condition requiring that external materials shall match the existing building is necessary in the interests of the character and appearance of the area and visual amenity. Finally, I have imposed a condition to ensure that the roof of the extension shall not be used as an outdoor amenity area, in the interests of residential amenity.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed insofar as it relates to the single storey extension and dismissed insofar as it relates to the terrace.

Sarah Manchester

INSPECTOR