



Appeal Decision

Site visit made on 29 October 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2024

Appeal Ref: APP/A0665/W/24/3341926

Ridgeway House, Saughton Lane, Saughton, Chester CH3 7PD

- 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 Paul Traynor against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/04027/FUL.
 - The development proposed is amendment to 23/01617/LDC for erection of a garage building, incorporating renewable and low carbon energy technology.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence refers to the removal of a septic tank and the provision of a Sewage Treatment Plant. Whilst it is displayed on the plans, there is little discussion about this aspect of the proposal by either party and it does not appear to form part of the reasons for refusal as presented by the Council. I therefore have assessed the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any development plan policies;
 - whether any harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether the Proposal is Inappropriate Development in the Green Belt

4. The appeal site is located in the Green Belt. In the Green Belt, the construction of new buildings is generally regarded as inappropriate development. However, the Supplementary Planning Document: House Extensions and Domestic Outbuildings 2021 (SPD) suggests that the Council will hold a pragmatic view to these proposals. As such, an outbuilding which is within 5m of the main dwelling will be considered as an extension to it, rather than a new building. This is providing that it does not result in disproportionate additions

over and above the size of the original house. The SPD further notes that any extension, including outbuildings considered as an extension, should not increase the size of the house by more than 30%.

5. In this context, the Framework lists a number of exceptions which are permitted within the Green Belt. The exception noted in paragraph 154 (c) of the Framework notes that the extension or alteration of a building may not be inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building. Policy STRAT 9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies 2015 (LPP1) notes that for areas 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 (LPP2) notes that in the Green Belt, development must not result in disproportionate additions over and above the size of the original building.
6. The original building, according to the appellant, was constructed around 1950. The original dwelling hosts additional extensions. As such, the combination of these extensions and the floor space which would be provided with this outbuilding, as considered as an extension to the dwelling, would substantially exceed the SPD guideline of 30% in the increased size of the property. This would therefore be tantamount to a disproportionate addition over and above the size of the original property. This would constitute as inappropriate development in the Green Belt.
7. However, I am cognisant that the 30% increase in size of the original dwelling is a guideline. The assessment of the effect on openness should not therefore be limited to numerical calculations. I now turn to the matter of openness. Openness is an essential characteristic of the Green Belt that is capable of having spatial as well as visual aspects. The outbuilding would be sited in the garden area of Ridgeway House. The wider area around the site is characterised by open fields and as a result, the openness of the Green Belt is clearly evident.
8. The development would be read in context with the host dwelling due to its close distance to it. It would have a ridge height of a significant scale across the full width of the outbuilding. This would create a substantially tall structure. In addition, when read against Ridgeway House, this would be taller than the eaves of the upper roof of the host dwelling. This would further highlight its excessive height which would be easily visible from Saighton Lane and in the wider context. As such, the roof height of the outbuilding advances the visible built form into the Green Belt and reduces the visual and spatial openness of the Green Belt. The use of an appropriate palette of materials would not alleviate this harm.
9. The appellant has referred to a neighbouring example of development within the Green Belt. It is contended that the example in question has been substantially extended beyond its original configuration. Despite the provision of two application reference numbers, the information on this example is limited. No officer report or decision notice has been provided to assess the relevance of this example to the scheme before me. As such, I have given this matter limited weight in my decision.
10. For the reasons given above, the development would be a disproportionate addition which would reduce the openness of the Green Belt. Therefore, due to

its disproportionality in numerical and visual terms, the proposal would not meet the exception as noted in paragraph 154 (c) of the Framework and would therefore be inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and substantial weight must be given to that harm. The Framework is clear that such development should not be approved except in very special circumstances. I turn to these matters below.

Other Considerations

11. I am mindful of a Lawful Development Certificate which relates to a building of a similar footprint and position as that considered under this proposal. This presents a credible and possible fallback position for a structure sited in this position, with a similar footprint. I have given this fallback position moderate weight in my decision. However, whilst this creates a fallback position for the width and position of the building subject to this appeal, its roof and ridge height is lower than that proposed in this appeal. Therefore, there are important differences in the proposal and the established fallback position. Consequently, as set out above, the appeal proposal would result in a more harmful visual impact to the openness of the Green Belt, owing to the increase in roof height between the two schemes.
12. The appellant contends that existing single garage would be demolished. This would promote the openness of the Green Belt. However, in consideration of the size of the proposal, both visually and numerically, and the extensions which have taken place to the host dwelling previously, this would not alleviate the overall harm found I have found to openness. Therefore, I ascribe this matter limited weight in favour of the proposal.
13. The proposal includes a plant room for solar panel and ground source heating infrastructure which is to replace older, less efficient methods of heating and energy generation. This is a positive, but limited benefit of the scheme. The carrying out of work to a personal vehicle and the use of the proposed roof space for storage would not be tantamount to very special circumstances.
14. These other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and through a greater impact on the harm to openness. Consequently, the very special circumstances necessary to justify the proposed development do not exist. As such, the proposal would conflict with Policy STRAT 9 of the LPP1, Policy DM21 of the LPP2 and the Framework.

Character and Appearance

15. The immediate surrounding area comprises of residential, commercial and agricultural buildings which do not follow a unity in design or use of materials. The proposed outbuilding would be lower in height than the roof ridge of the host dwelling and utilise materials which would match Ridgeway House. The outbuilding would be sited at a close distance from the host dwelling. As such, the two buildings would be read in the same context.
16. Whilst the height of the outbuilding is lower than Ridgeway House, its ridge would be taller than the eaves of the main roof elements. Its overall height would also be above the height of the additional single storey extensions. In addition, when viewed from Saighton Lane, the outbuilding would have a width greater than the host property.

17. Therefore, when viewed in context with Ridgeway House, the contrasting heights of its abovementioned elements and the appeal building, with its overall width, would create a competing and inharmonious relationship. Collectively, the outbuilding would create a disproportionate and dominating structure which is not subordinate to the host dwelling. The presence of foliage around the property boundary would not conceal the outbuilding, owing to its significant height when viewed from Saighton Lane and the wider context.
18. As previously discussed, whilst another similar structure could be built as a fallback position with a similar width and footprint, its lower roof height would create a subordinate appearance. Whilst I have given this fallback position moderate weight in my decision, it is comparatively different to the outbuilding proposed in this appeal in terms of its overall height.
19. To conclude, the proposal would conflict with Policy ENV6 of the LPP1, Policies DM3 and DM21 and the guidance found within the SPD. These policies and guidance state that development proposals should respect the scale, character and appearance of any existing building within the site, which is also subordinate to the original dwelling.

Conclusion

20. For the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR