



Appeal Decision

Site visit made on 3 December 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2025

Appeal Ref: APP/A0665/D/24/3347861

Rivington, Maddocks Hill, Norley, Cheshire West and Chester, Northwich WA6 8JT

- 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 and Mrs K Levshankov against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/00165/FUL.
 - The development proposed is the addition of first floor, along with new external doors and windows.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of first floor, along with new external doors and windows at Rivington, Maddocks Hill, Norley, Cheshire West and Chester WA6 8JT in accordance with the terms of the application, Ref 24/00165/FUL, 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 drawings: Location Plan, 2132-PL-24-101, 2132-PL-24-102, 2132-PL-24-110, 2132-PL-24-111, and 2132-PL-24-120.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

2. The descriptions above have been taken from that used in the planning application and appeal forms. Although it differs from that used by the Council in their decision notice, I consider it sufficiently describes the proposed works.

Main Issues

3. The appeal site is located within the Green Belt and therefore 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 of the proposal on the character and appearance of the host building and its surroundings; and,

- The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy.

Reasons

Whether Inappropriate Development

4. Paragraph 153 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 also states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
5. Subject to a number of exceptions, as listed in Paragraph 154, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include 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.
6. The proposal includes the provision of an additional floor and two balconies. The first floor would be partially set within the roof and would be served by a number of dormer windows to the front, side and rear elevations. Given the proposal would largely follow the footprint of the existing ground floor, it would almost double the floor space provision. However, as the extension would be partially set within the roof, the apparent scale of the proposal is reduced.
7. Although the proposal would result in a notable increase in the height of the building, this would primarily be through the low-slung roof which would extend into the first-floor. The low roof would keep the proposal from disproportionately increasing the height of the building and its apparent bulk above the ground floor. Given this, and the overall scale of the building the proposal would not be a disproportionate addition over and above the size of the original building.
8. The proposal would not result in a disproportionate addition over and above the size of the original building and so would comply with the requirements of Policy DM21 of the Local Plan (Part Two) Land Allocations and Detailed Policies (the LP2) which, insofar as it is relevant to the appeal before me, closely follows the exception set out under Paragraph 154(c) of the Framework as set out above. The proposal would therefore not be inappropriate development in the Green Belt.
9. Although the Council also made reference to Policy Strat 9 of the Local Plan (Part One) Strategic Policies (the LP1), the appeal site is within Norley. I understand this to be a Local Service Centre and so the site is not within the countryside. As Strat 9 covers the Green Belt and countryside, it is not particularly relevant to this appeal.
10. The Council also referred to Green Belt guidance contained within the Supplementary Planning Document: House Extensions and Domestic Outbuildings (the SPD). This guidance is set out under Chapter 6 of the SPD which covers detached domestic buildings such as garages or sheds. On a plain reading I consider that the 30% limit set out by Paragraph 6.6 relates to

any increase caused by an outbuilding or its extension and not by an extension of an existing building. I do not, therefore, find it to be particularly relevant to this appeal.

Character and Appearance

11. The dwellings present along Maddocks Hill appear to have been built out, altered and extended over time and consequently display differing sizes and architectural styles. In particular, I noted both two-storey and single-storey dwellings within the street scene and a lack of consistency across the street's roofscape. Although there is no uniformity along the street, it generally presented a sense of spaciousness. At the time my visit a neighbouring property, The Greenings, was being rebuilt to form a two-storey dwelling.
12. The existing dwelling is set back from the road by a front garden and driveway. As it is also L-shaped the main body of the dwelling is further setback from the road. Given the above, the change in height of the road, and the mature boundary hedgerow to the front of the site, it is only the double garage at the top of the 'L' that is readily visible within the street scene.
13. As noted above, the additional floor would not be a disproportionate addition to the existing building. Mindful of the dwelling's relationship to the road, it would also not be a prominent or intrusive feature within the street scene. Whilst some views are likely to be possible from Maddocks Hill or the surrounding area, as the road is not characterised by its uniformity, I do not find this would be out of keeping or harmful to the character and appearance of the area.
14. Whilst features such as balconies and dormer windows are not typical of the area, given the varied appearance of the surrounding dwellings, their addition would not appear incongruous. The wider design of the proposal would largely continue the style and design of the existing building which sits comfortably amongst the other architectural styles and design cues within the street scene.
15. In all, the proposal would not unacceptably affect the character and appearance of the host building or the surrounding area. It would therefore comply with LP2 Policy DM21 which, amongst other matters, requires developments to be in keeping with the character, appearance and scale of the host building, as well as being in keeping with the surrounding area. The proposal also complies with the guidance contained within the SPD with regard to house and roof extensions.

Living Conditions

16. The host dwelling is most closely related to three dwellings, The Greenings and Casa Loma, both on Maddocks Hill, and No 31 High Street, which is to the rear of the appeal site. Due to the change in land levels both No 31 and Casa Loma are set lower than the host dwelling and during my site visit it was clear that there was a degree of intervisibility between the plots.
17. The proposed front balcony would sit over part of the double garage at the front of the property. As a result of its elevated position, it would allow views over the hedgerow serving as the boundary with Casa Loma. However, from my site visit, and given the distance of the balcony from the boundary, the angles between the properties would not be such as to allow views into the rear garden or any windows. Even if views were afforded of the front garden

area, these would be at some significant distance which I find to be sufficient to protect the privacy of neighbouring occupiers using the front garden. I am also mindful that the front garden of Casa Loma was very open to Maddocks Hill at the time of my visit, and therefore did not present a private space.

18. Due to the change in land levels and the front balcony's relationship with The Greenings, it would not result in any overlooking or loss of privacy for the neighbouring occupiers at this dwelling.
19. Given their siting and distance from Casa Loma, the proposed side facing dormer windows would be afforded an outlook towards Casa Loma similar to that of the proposed front balcony. Therefore, mindful of their distance from the shared boundary and the change in land levels between the properties, I find that the dormers would also not cause any unacceptable overlooking.
20. The rear facing balcony would extend over the existing pergola and therefore afford views towards both 31 High Street and Casa Loma. Given the significant distance from the balcony to the shared boundary with 31 High Street, I find that the privacy of the neighbouring occupiers at this property would be protected. The boundary with Casa Loma is closer to the balcony but still at some distance. I find, similarly to the front balcony, that views would largely be over Casa Loma rather than into the garden and any private windows. However, even if views were possible into the rear garden and conservatory, I am mindful that these are already afforded by the host dwelling's existing rear garden.
21. I note that a previous permission was granted for rear facing dormer windows similar to those before me. Given my findings above and that a previous permission for dormers is extant, I find that those proposed under this appeal would not unacceptably affect the living conditions of any neighbouring occupiers.
22. Due to the relationship between the host dwelling and Casa Loma, any loss of light would be limited to the later portion of the day. Moreover, as only a narrow portion of the L-shape sits close to the boundary with Casa Loma and as the rest extends substantially away from the boundary, any overshadowing to the garden or side windows of Casa Loma would be limited and would not be detrimental to the living conditions of the occupiers.
23. The proposal would not result in any unacceptable overlooking or overshadowing to the detriment of the living conditions of the neighbouring occupiers at The Greenings, Casa Loma or No 31 High Street. The proposal would, therefore, comply with LP2 Policy DM21 which, amongst other matters, seeks for developments to not have a significant adverse effect on the living conditions of neighbouring occupiers. It would also comply with the SPD's guidance on residential amenity which, in part, seeks to protect privacy.

Conditions

24. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
25. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability,

requiring that the development is carried out in accordance with the approved plans. In the interests of protecting the character and appearance of the surrounding area an additional condition is necessary requiring that the external materials of the extension match those of the existing building.

Conclusion

26. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR