



Appeal Decision

Site visit made on 17 March 2025

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref. APP/A0665/D/24/3354582

15 Holm Drive, Elton, Chester CH2 4RJ

- 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 Mohamad Rahman against the decision of Cheshire West and Chester Council.
 - The application ref. is 24/01225/FUL.
 - The development proposed is a double-storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I agree with the Council when it states on the list of drawings that the drawings titled *Location Plan* and *Site Plan* are misleading. My decision is based on the drawings titled *Existing Drawings* and *Proposed Drawings*.
3. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan includes the Council's Local Plan Part One (LPP1) and Local Plan Part Two (LPP2). The National Planning Policy Framework (the Framework) and the Council's Supplementary Planning Document: *House Extensions and Domestic Outbuildings* (SPD) are material considerations in planning decisions. The revised version of the Framework published in December 2024 does not materially differ from the previous version, insofar as the planning policies around the main issues in this appeal are concerned.

Main issues

4. The appeal site is located in the North Cheshire Green Belt. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - (ii) The effect of the proposal on the character and appearance of the locality;
 - (iii) The effect of the proposal on the living conditions of the occupiers of 17 Holm Drive with regard to outlook; and
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- (iv) If the development would be inappropriate in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. Section 13 of the Framework, titled *Protecting Green Belt land*, explains that the Government attaches great importance to Green Belts. 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.
6. The Framework goes on to say that development in the Green Belt is inappropriate unless one of the listed exceptions applies. The exception at paragraph 154 (c) allows for 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. LPP1 Policy STRAT 9 is in line with the Framework. The exception at (c) is reflected in LPP2 Policy DM 21 when read with its explanation (not in Policy DM 19, as quoted in the first reason for refusal).
7. The appeal concerns a 2-storey house with a single-storey side wing which may have originally provided a single garage. LPP1 and the Framework do not define “disproportionate” as such. However, the explanation to LPP2 Policy DM 21 says that restricting the size of new development within the curtilage of a dwellinghouse will help maintain, amongst other things, the openness of the Green Belt and that as a general guide, subordinate and small scale extensions should not increase the size of the original dwelling by more than 30%. It is reasonable to look at the increase in size in terms of floor space and footprint as the Council has done. The Council estimates that what is proposed would increase the former by about 70% and the latter by about 60%. This has not been disputed by the appellant.
8. Even if the removal of the existing single-storey side wing has not been factored into the calculations, as seems probable, the increase in floor space would still considerably exceed 30% by a very wide margin. An addition of the size proposed would be over half the floor space of the original house and, on this numerical basis, would be disproportionate. In physical terms, the proposed increase in floor space would result in greater visual bulk to the side and front of the building being apparent to observers.
9. I find that the proposed extension would result in disproportionate additions over and above the size of the original building. The proposal would therefore be inappropriate development in the Green Belt and fail to conform with LPP1 Policy STRAT 9, LPP2 Policy DM 21 and the Framework. Yet, in the context of the surroundings of a recent and sizeable housing estate, the proposed extension would not conflict with any of the Green Belt purposes listed in the Framework and the loss of openness in spatial and visual terms would be limited.

Effect on the character and appearance of the locality

10. The Council’s SPD clearly carries weight as a material consideration in decision making but it should not be applied prescriptively to the exclusion of all other

factors, including the physical circumstances and context of a site. Indeed, the SPD says that the Council will consider each proposal on its merits, taking into account relevant local and exceptional circumstances.

11. The appellant asserts that neighbouring properties are larger, yet he has a relatively large plot in comparison. In particular, he wishes to follow the same design as his next-door neighbour which I take to be the 2-storey detached house at no. 11. These houses are situated very close together and the host dwelling's main visual relationship, as perceived in the street scene, is with no. 11. The host plot is notably wider than that of no. 11 and there is obviously sufficient space for the side extension. The resulting dwelling would successfully replicate the original and existing design of no. 11 in virtually all respects. To my mind, this would be an appropriate design response and is a very important material consideration.
12. The Council highlights where the proposal would depart from the SPD. However, the scheme does not involve a true front extension in that it would not be added across the main face of the original 2-storey front wall of the dwelling. As a side extension, the front elevation of the first floor would not be set back at least 1m from the main part of the front wall of the house, its main roof would not be lower than the existing roof of the dwelling and the advanced gable would be marginally wider than 50% of the width of the original 2-storey part of the house. For the scheme to replicate the original design of no. 11, these SPD criteria cannot be met.
13. As it is, the advanced gable end, at about 3.8m across, would not appear so excessively wide as to be overly dominant. It would be set down from the main roof. Its projection 2m beyond the adjoining original front wall would not be objectionable bearing in mind the design of no. 11. Moreover, I saw that advanced 2-storey gables are commonplace in the original design of a number of nearby houses. Matching materials (red brick and brown concrete tiles) are proposed.
14. Whilst the extension may not be technically subordinate to the original dwelling, it is noted that the restrictions on size are given as a general guide. There would be sufficient compatibility with the scale, form, setting, materials and detailing of the host building and the adjacent dwellings. The scheme would respect local character and achieve a sense of place through appropriate layout and high quality design.
15. I find that the proposed extension would not adversely affect the character and appearance of the locality. There would be no material conflict with the aims of LPP1 Policy ENV 6 and LPP2 Policy DM 3 and the Framework in this respect. There would be a limited degree of conflict with Policy LPP2 Policy DM 21 to the extent that the resulting development may not be viewed as being subordinate to the original dwelling. The other factors I have described indicate why, in terms of visual amenity, I make a finding on this particular issue other than in accordance with that part of the policy.

Effect on the living conditions of 17 Holm Drive with regard to outlook

16. The sole window to a bedroom in the opposing flank wall of no. 17 would be between 9m and 10m away from the resulting side elevation of the proposed double-storey side extension. Normally, in accordance with paragraph 10.10 of LPP2 there should be a minimum distance of 13m between windows of main habitable rooms and blank walls. The shortfall cannot be described as marginal.

17. Even though no.17 is set an angle and is not in full alignment with the side boundary of no. 15, I consider that the occupiers of no. 17 would still notice an adverse change in their existing outlook from the bedroom on account of the height, proximity and forward projection of the proposed extension. They would find the proposed development to be overbearing. The significant diminution in the outlook from this bedroom window would represent unneighbourly development.
18. The harmful effect on the living conditions of the occupiers of 17 Holm Drive with regard to outlook places the scheme in conflict with LPP1 Policy SOC 5, LPP2 Policy DM 2, the SPD and the Framework, all of which broadly and variously seek to safeguard the quality of life for residents living nearby to development sites.

Other considerations

19. I note that the appellant seeks more ground and first floor space for his family, which includes 2 children, Mrs Rahman and her mother, and improvements to the internal living environment including larger, more suitable room sizes. It is said that the family have settled into the community of Elton, the location is convenient for work and schooling, they do not wish to move house away from the area and homes in Elton do not readily come on the market. Extending the home would offer financial advantages compared to buying a larger house. I can understand these concerns and desires but it is evident to me that the appeal scheme would not be the only way of achieving better accommodation at 15 Holm Drive, especially bearing in mind the generous size of the rear garden. This limits the weight I attach to these considerations. I can only subscribe moderate weight to them.
20. The application did not attract any objections from neighbours or community groups but this is a neutral factor weighing neither for nor against the proposal.
21. I found no objections to the proposal in terms of its general design and appearance and its effect on the visual amenities of the local area. However, achieving well-designed places is an expectation for all development and so this aspect of the scheme does not count positively in its favour.

Whether very special circumstances exist

22. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
23. The proposal would be inappropriate development in the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. In addition, there would be harm caused to the living conditions of the occupiers of 17 Holm Drive with regard to outlook. This attracts significant weight, especially given the associated conflict with the development plan.
24. Even taken together, the other considerations I have identified in the appellant's submissions offer only moderate support for the scheme and do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Final balance and conclusion

25. The proposed development conflicts with the development plan taken as a whole and there are no other material considerations to outweigh that finding. Therefore, for the reasons given and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR