



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/24/3356074

6 Foxall Way, Great Sutton, Ellesmere Port CH66 2GT

- 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 Mrs Rebecca Spruce against the decision of Cheshire West and Chester Council.
- The application ref. is 24/01493/FUL .
- The development proposed is described on the application form as “Proposed double storey side extension, front porch with bedroom over & rear extension for the double fronted effect”.

Decision

1. The appeal is dismissed.

Preliminary matters

2. In the heading above, in the interests of accuracy I have taken the site address, including the postcode, from the Council’s decision notice and the appellant’s planning appeal statement, rather than from the application and appeal forms.
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 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. I consider the main issues in this appeal to be the effect of the proposed development upon the character and appearance of the original dwelling and its potential impact upon an oak tree subject to a Tree Preservation Order (TPO).

Reasons

5. No. 6 is a 2-storey detached house on the northern side of Foxall Way, the main distributor road through the surrounding residential estate. No outstanding urban

architecture is evident hereabouts, but it is nonetheless a very pleasant residential area with most or all of the dwellings along Foxall Way being of a similar age.

6. The appeal property occupies a fairly prominent location given the views of its front and western side elevations that are available when emerging out of Mason Close almost opposite. The land associated with the dwelling is notably wider than adjacent plots. However, a group TPO covers most of the rear garden and the wide western side garden where there is a significant oak tree.
7. The front elevation of no. 6 has a hipped gable end. The main axis of the hipped roof is aligned at right angles to the road, rather like its counterpart at no. 3 on the southern side of the road. There is also a single-storey wing on the western flank and a conservatory to the rear.
8. The Council raises no objection to the proposed full-width, single-storey rear extension which would provide a kitchen and dining area and replace the conservatory. I see no reason to come to a different view.
9. The Council has referred to its SPD, in particular to the guidance it provides on side extensions and front extensions. The 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.
10. The proposed 2-storey side extension would add substantial mass and bulk to the western side of the dwelling. The plans show that the new side extension would be well over half the width of the original building at first floor level. That the front of the proposed 2-storey side extension would not be set back from the principal front elevation and its ridge would not be below the existing ridge would serve to emphasize its physical impact. Moreover, spanning across the full depth of the original dwelling, the plans of the western side elevation show that the pitch of the extension's roof would be far shallower than the existing main roof. Thus, I cannot accept that the proposed side extension would be subordinate to the original host building or in keeping with its character and appearance. Rather, it would appear disproportionately large and substantially change, and make less distinct, the original dwelling's simple gable-fronted form, character and appearance.
11. The SPD is clear that 2-storey front extensions are unlikely to reflect the character and appearance of an existing building and are therefore unlikely to be supported. The proposed 2-storey front extension would be a prominent, sizeable, disruptive and uncharacteristic addition to the front of the original house. It would appear to even exceed the depth limit in the SPD for single-storey front extensions and would come uncomfortably close to the original ground floor bay window.
12. The scheme therefore would eschew various detailed design criteria for side and front extensions within the SPD. I cannot identify any relevant local and exceptional circumstances which would justify departing from the SPD.
13. I find on the first main issue that the proposed development would harm the character and appearance of the original dwelling. LPP2 Policy DM 21 explains that where extensions to existing dwellings are proposed, the resulting development

should be in keeping with the character and appearance of, and be subordinate to, the original dwelling and surrounding properties, and the wider setting. LPP2 Policy DM 3 expects design solutions to respect the scale, character and appearance of any existing building within the site and contribute positively to the character of the area. The appeal proposal would fail to comply with these policies. Good design is also a cornerstone of the Framework.

14. The oak tree in the western side garden behind the front boundary is mature, substantial in size, prominent in the wider urban surroundings and clearly makes a positive contribution to the visual amenity of this locality, as recognised by its inclusion in the TPO. I found on site that the trunk of the oak tree is about 13.3m away from the closest single-storey flank wall of the house. The proposed 2-storey side extension would be built at a point somewhat closer than that to the tree.
15. The appellant says that landscaping will remain as existing with no trees being removed. LPP2 Policy DM 45 indicates that a tree survey and arboricultural impact assessment, in line with British Standard 5837: 2012 (or subsequent revisions), will be expected to be submitted with planning applications where existing significant trees are likely to be affected by a proposed development. No such detailed reports from a suitably qualified arboriculturist have been submitted. Thus, I cannot be certain that the proposed development and any associated hard landscaping and new retaining walls to the raised lawn would not cause damage to the protected oak tree, including its root system. Any resulting detrimental impacts would diminish the positive contribution the tree makes to the visual amenities of the area.
16. I find on the second main issue that the proposed development would not be conducive to the proper planning of the area given the potential adverse impact upon an oak tree subject to a TPO. The failure to demonstrate how the scheme would conserve, manage and enhance this significant landscape feature conflicts with the aims of LPP2 Policy DM 45.
17. The appellant refers to other options for providing additional accommodation at the site, but my focus must be on the proposals that were the subject of application ref. 24/01493/FUL. The ease of construction of an extension or a building does not outweigh or obviate the need for good design. I have noted that the family are well settled in the area with the appellant being a local primary school teacher and I can understand the need for improved accommodation but it is evident to me that the appeal scheme would not be the only way of enlarging the house.

Conclusion

18. My findings on the main issues are decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR