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## Appeal Decision

Site visit made on 26 March 2025

**by A Veevers BA(Hons) PGDip(BCon) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 April 2025

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**Appeal Ref: APP/D0650/D/24/3352944**

**Tileacres, 29 Hale Road, Hale Village, L24 5RB**

- 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 Steven Leonard against the decision of Halton Borough Council.
  - The application Ref is 24/00125/FUL.
  - The development proposed is proposed two storey pitched roof extensions to front and side, single storey flat roof rear extension and new roof over existing side extension and detached garage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the appellant's name from the planning application form, which is the same as that used on the Council's decision notice. A slightly different spelling has been used on the appeal form (Stephen) but I am satisfied that the applicant and appellant are the same.
3. At the time of my site visit I saw that some of the proposed works to the property had taken place. Notwithstanding this, and the claim by the appellant that parts of the proposal would not be carried out, for the avoidance of doubt, I have considered the appeal on the basis of the information shown on the plans before me.
4. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues in this case has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.
5. The site lies within the Hale Road Conservation Area. In accordance with the statutory duty set out in Section 72(1) of the Act, I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

### Main Issues

6. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the host dwelling and the area, with particular attention to the Hale Road Conservation Area (CA); and,
- Whether any 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 necessary to justify the proposal.

## Reasons

### *Whether inappropriate development*

7. Paragraph 154 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, but it sets out a number of exceptions. One such exception being, at 154 (c), 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. Original building is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as originally built.
8. This is also broadly reflected in Policy GB1 (c) of the Halton Delivery and Allocations Local Plan, adopted March 2022 (the Local Plan), although Policy GB1 (c) also adds a further requirement that the development should be of an appropriate scale, character and appearance.
9. What constitutes a disproportionate addition is not defined within the Framework but a footnote to Policy GB1 states the increase in the size of a building by up to 30% of the original building volume is considered an acceptable increase. It also states that the original building does not include separate detached outbuildings. In controlling disproportionate additions, the justification text to this policy seeks to avoid properties becoming ever larger through incremental extensions, and the associated increase in built form in the Green Belt.
10. From the evidence before me, the original dwelling on the site was constructed in the early 20<sup>th</sup> Century. Although recently largely re-built following a fire, I note the original dwelling had been extended in the past by a single storey rear extension and then a first floor rear extension. The Council suggest this amounted to a 27% increase in floor area from the original dwelling. The Council also assert that the proposed extension to the dwelling would amount to an overall 130% increase in floor area. This figure is not disputed by the appellant.
11. The 30% threshold set out in Policy GB1 refers to the volume of a building, whereas the Council's calculations are based on the building's footprint. The increase in volume is therefore unknown. Nevertheless, it is clear that arithmetically, the proposal would significantly increase the size of the original dwelling.
12. Although the use of a numerical measure alone would be an over prescriptive approach to matters of proportionality, in this case, the appeal scheme would considerably and noticeably increase the scale, bulk and mass of the dwelling. The proposed extensions would almost double the footprint of the original building and introduce additional built form to all elevations. Whilst the garden is a considerable size, the scale and outward projection of the two storey side extension alone would be significant and clearly visibly apparent.

13. In relation to the proposed detached garage, the Council argue it would constitute a separate planning unit that would not fall within any of the exceptions listed at paragraph 154 of the Framework, or any other exception. I disagree with this approach. Although there is no specific allowance for new detached garden structures within the listed exceptions to inappropriate development at paragraph 154, it is common practice for ancillary structures in proximity to the host dwelling to be considered as extensions where they would amount to a normal domestic adjunct.
14. In my view, the proposed building would provide garaging for vehicles associated with occupants of the appeal dwelling. There are no other buildings on the site for this purpose. Furthermore, the proposed garage would be located in reasonable proximity to the host dwelling. For these reasons, I consider the proposed garage would be an extension to the dwelling in planning terms. In so being, it would further increase the size of extensions and add built form and spread across the appeal site.
15. Overall, the proposed extensions, including the detached garage, would represent a significant increase in the volume, floorspace, scale and bulk of the appeal dwelling. The proposal would clearly, when taken cumulatively with previous extensions, represent a disproportionate addition over and above the size of the original building.
16. Consequently, the proposal would conflict with Policy GB1 of the Local Plan and would not fall into any of the exceptions listed at paragraph 154 of the Framework, and it would therefore be inappropriate development in the Green Belt.

### *Openness*

17. A fundamental aim of Green Belt policy, as set out by the Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it. Even though the appeal property is located within a large plot, the supporting text to Policy GB1 advises that the permitting of a significant increase in the size of a building merely because it is sited on a large plot would undermine the objectives of safeguarding the openness of the Green Belt and its purposes.
18. The appeal site would be partially screened by boundary treatment and trees along Hale Road. There is also screening provided by woodland to the rear of the garden and trees along the side boundaries. Nevertheless, while the single storey rear extension would be screened by the dwelling itself, and the proposed alterations to the west elevation would be relatively low, because of the width and height of the proposed front and two storey side extensions, they would be readily apparent in views taken from Hale Road. The roof of the proposed garage would also be visible due to its proximity to the front boundary.
19. The increase the form, bulk and spread of development on the site would cause moderate harm to visual openness. Moreover, regardless of its public visibility, there would be a sizable and noticeable increase in built development on the site which would also diminish Green Belt openness in spatial terms to a moderate degree.
20. Therefore, whether considered individually or cumulatively there would be harm to Green Belt openness, contrary to the specific guidance within the Framework.

### *Character and appearance*

21. The appeal dwelling is a large, detached house on an extensive plot, located at the edge of Hale Village in the CA. It is positioned within a row of detached dwellings in large plots to the south side of Hale Road.
22. The CA is linear in form, and generally comprises of detached houses either side of Hale Road set horizontally within large plots. While the size and design of houses in the CA differ, with the exception of 31, 35 and 37 Hale Road as well as the appeal site, they are constructed with thatched roofs or in the Arts and Craft style. The predominant architectural quality and thatched roofs of the buildings forms a positive and harmonising presence to the CA. Plots incorporate mature trees and vegetation along their boundaries. To the rear of the gardens of properties on the south side of Hale Road is an area of woodland. Views through the gaps between properties and landscaping add to the spaciousness of the area and form part of its intrinsic character as well as contributing positively to the verdant setting of the CA.
23. From the evidence and my own observations, for the purposes of this appeal, I find the significance of the CA is derived from the age, materials and architecture of the houses positioned in linear form on the edge of a rural village. The CA provides evidence of the type of housing prevalent at the time and the building techniques and materials used. It has architectural value arising from the survival of relatively unaltered thatched and timbered houses and aesthetic value derived from their appearance and the relationship of the buildings to the street and enclosure by boundary vegetation.
24. The appeal site sits within the linear form of development and is a large plot. On the basis of the information before me, the original dwelling at the site was a detached, two-storey Arts and Craft property that was drastically harmed by a fire. The evidence suggests the original dwelling included a slate gambrel roof and timber detailing on a central first floor projection. From what I saw on site, and photographs provided by the appellant, it seems only the east elevation of the original property remains following a recent re-build of those parts of the building that were fire damaged. The building now on the site has not been constructed using traditional Arts and Craft materials. It is finished in render with uPVC windows and rainwater goods. Even though the building's appearance is now modern, its overall form, low eaves, shed dormers and building to plot ratio respond to the previous characteristics of the building, which makes a neutral contribution to the significance of the CA.
25. The proposed scale of the two storey side extension would almost double the width of the property. It would obscure the brick detailing and chimney of the only remaining externally visible brick element of the original building, adversely harming its traditional character. Moreover, the proposed ground floor windows on this elevation would be large and out of proportion with the depth of the gable and the horizontal alignment of window on the front elevation. The significant length of the extension would unacceptably elongate the building and provide little relief or interest at ridge level.
26. The proposed two storey front projection would have a high eaves height which would appear at odds with the simple traditional low eaves that characterise the rest of the front elevation and its scale and bulk would harmfully dominate the front

façade. As a result, the proposal would jar with the host building. Even though the site is at the western end of Hale Road where there have been other extensions to dwellings, the proposal would be untypical of the generally more compact form and appearance of dwellings evident in the CA.

27. I note the Council's officer report refers to the frontage of the site being well-screened by vegetation and the report includes photographs to this effect. The submitted plans also indicate trees retained along the boundaries of the front garden. However, I saw much of this vegetation has now been removed and the proposals include little replacement planting. Consequently, while the overall building to plot ratio would be acceptable, the scale, bulk and design of the proposed two storey side and front extensions would be visibly prominent when viewed from Hale Road.
28. In addition, although the front garden would be large enough to accommodate the proposed garage, its location notably forward of the dwelling and close to the front boundary wall would diminish the spaciousness prevalent within front gardens of houses in the area. Thus, the proposed garage would appear out of character with the established pattern of development in the immediate vicinity of the appeal site. The character and appearance of the area would be materially harmed as a result.
29. I have considered the use of a condition in relation to the provision of landscaping fronting Hale Road were I to allow the appeal. However, even if landscaping was introduced, it would not mitigate the harm I find to the character or appearance of the host building or the area.
30. Whilst not explicitly referring to the CA in the third reason for refusal on its decision notice, the Council do refer to Policy HE2 of the Local Plan. This policy seeks, amongst other things, that development affecting a designated heritage asset should conserve, and where possible enhance, the significance of the asset and its setting. The gradual erosion of elements of a site that make a neutral contribution to the character and appearance of the area can have an adverse effect on its significance as a heritage asset.
31. In this case, as a result of the significant scale, bulk, layout and design of the proposal, it would not harmonise with the appearance of the host building and would fail to respond to the intrinsic character and local distinctiveness of the area. The proposal would not preserve or enhance the character or appearance of the CA.
32. In finding harm, I consider the proposal would have a negative effect on the significance of the CA as a whole and would result in less than substantial harm in the context of paragraph 212 of the Framework. The resultant harm needs to be weighed against the public benefits. In this case the benefits would relate to the appellants' need for additional space within the property and garaging. As such, the benefit to the public would be very minor, effectively arising from the creation of jobs during construction. This public benefit would not outweigh the identified material harm to the designated heritage asset.
33. For the reasons given above, I conclude that the proposed development would not harmonise with the host building nor preserve or enhance the character or appearance of the CA. Therefore, the proposal would conflict with Policies GR1, HE2 and CS(R)18 of the Local Plan which, together, seek to ensure, amongst other things, that developments are of a high quality design and of a scale that

enhances the character of the dwelling and respects the surrounding area and preserves or enhances the character or appearance of conservation areas.

#### *Other considerations*

34. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
35. As set out above, the benefits to the appellant's living conditions would be a private benefit. However, I attribute some minor positive weight to the economic benefit that would arise from the construction of the proposal.
36. I recognise the appellant's time and effort taken to rebuild the property and tidy the previously neglected site which sits within a CA. Nevertheless, although a refusal of planning permission may restrict the combined scale of garaging and accommodation proposed, it would not prejudice the ability to accommodate these uses on the site otherwise. Accordingly, this factor is not a strong justification for setting aside national and local policies with the legitimate aim of protecting the essential characteristics of the Green Belt and the character or appearance of conservation areas in the public interest. I therefore give this neutral weight in the planning balance.

#### **Other Matters**

37. I note the appellant's willingness to engage collaboratively with the Council and disappointment in respect of the lack of dialogue during the planning application process. However, this has had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.
38. My attention has been drawn by the appellant, to several other extensions and new houses in Hale Village that have been approved by the Council. Housing development at Halis Court (The Orchards) is an entirely different type of development and not comparable to the scheme before me. The development referred to on Church Road was for a replacement dwelling, which is also a different type of development to the proposed extensions in this appeal. A photograph has also been provided of another property on Church Road with a glazed front projection. From the information available, it is not clear whether this is a replacement dwelling or not or whether the property is located within a conservation area. These decisions therefore have no real bearing on this appeal.
39. The extensions approved at 37 Hale Road appears more comparable to the appeal proposal and I saw this property from Hale Road at my site visit. It sits within the same CA as the appeal site and appears to include some similar elements as that proposed in the appeal before me, notably a large front extension. However, I do not have full details or background to this development or the considerations at the time of it being given permission in order for me to make a robust comparison with the appeal proposal.
40. Whilst consistency in decision making is important, the circumstances in each proposal are likely to be different. In any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

41. I acknowledge the appellant's passion for the area and comments in relation to local support for the works carried out on the site to date. Nonetheless, the absence of objection does not in itself render the scheme acceptable and does not change my conclusions on the appeal scheme.

### **Planning Balance and Conclusion**

42. The proposal would be inappropriate development in the Green Belt and would cause harm to its spatial and visual openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. I have also found that the proposal would harm the character and appearance of the host building and would not preserve or enhance the character or appearance of the CA.
43. The other considerations in this case, taken both individually and collectively, do not clearly outweigh the totality of the identified harm. Consequently, other considerations amounting to very special circumstances sufficient to outweigh the harm to the Green Belt do not exist.
44. The proposal would conflict with the development plan taken as a whole, the Framework, and all other relevant material considerations. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*A Veevers*

INSPECTOR