



Appeal Decision

Site visit made on 12 March 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/A0665/D/24/3353198

Highgrove, Kingswood Lane, Saughall, Chester, Cheshire West and Chester CH1 6DE

- 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 C Walsh against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/00973/FUL.
 - The development was originally described as “Retrospective alterations.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I sought submission from the parties on this matter. I have considered additional submissions alongside the original representations.
3. The appellant has confirmed that the appeal property is now known as Highgrove. The address in the banner above is taken from the Application Form but includes the new property name. I have determined another appeal¹ for the same property, which is the subject of a separate decision.
4. On the application form, the appellant indicated that works started in August 2023 and were completed in March 2024. During my site visit I observed a development which appeared the same as shown on the application drawings. Therefore, my assessment is based on the development as built and shown on the application plans.

Background and Main Issues

5. The first reason for refusal on the Decision Notice indicates that the development represents inappropriate development in the Green Belt. This is not disputed by the appellant; consequently, it does not form part of the main issues of the appeal as it is an agreed matter. The main issues are:
 - the effect of the development on the openness and purposes of the Green Belt;
 - the effect of the development on the character and appearance of the area; and
 - whether other considerations clearly outweigh the harm to the Green Belt, and any other harm, so as to amount to very special circumstances.

¹ APP/A0665/D/24/3354193

Reasons

Green Belt

6. The openness of the Green Belt has both spatial and visual aspects. The dormer extension has significantly increased the massing of the appeal property's roof. Although public views of the property are limited, the dormer extension is visible from nearby land. As such, the dormer extension has a harmful effect on both the spatial and visual aspects of the openness of the Green Belt.
7. Paragraph 143 of the Framework outlines the purposes of the Green Belt, which includes to assist in safeguarding the countryside from encroachment. For the purposes of local planning policy, the appeal site is located within the countryside. Whilst the appeal site is previously developed land, the extension of the appeal property represents a further encroachment into the countryside as it has increased the amount of built development within the site. However, as the dormer extension does not increase the footprint or overall height of the appeal property, the extent of this encroachment is extremely limited.
8. I conclude that the development has a harmful effect on both the openness and the purposes of the Green Belt. It is contrary to Policy STRAT9 of the Cheshire West & Chester Council, Local Plan Part One: Strategic Policies (LPP1) where it indicates that additional restrictions will apply to development in the Green Belt in line with the Framework.

Character and appearance

9. The appeal property is a very large, detached dormer bungalow set within spacious grounds. The property originally had a simple horizontal plan form but now has extensions projecting from the rear elevation and a side extension set down from the original property. Although the appeal property is noticeably larger than nearby properties, most are large and have a low footprint to plot ratio. They also tend to have simple dual-pitched roofs.
10. As above, the dormer extension has significantly increased the massing of the appeal property's roof. Whilst it is set in from the side of the roof, it extends very close to the ridge. In addition, the dormer extension is finished with light horizontal plank style composite cladding, which contrasts with the dark tiled finish of the original roof. Consequently, the dormer extension appears as an inharmonious, overly dominant, bulky addition to the appeal property. It also creates a more complex roof form which is out of character with the area. For these reasons, the development is contrary to the House Extensions and Domestic Outbuildings SPD² where it states proposals for rear dormers that are subordinate to the roof scape and have a similar appearance to the existing roof material will be supported.
11. Whilst the dormer extension is located partially behind the roofs of the rear extensions and is largely screened from public views, this does not fully mitigate its harmful appearance as it is visible from nearby land. Also, the Council's acceptance of extensions which exceed 30% of the size of the original dwellinghouse, does not alter my assessment of the development, which appears discordant for multiple reasons, not just its size.

² Cheshire West & Chester Council Local Plan Supplementary Planning Document: Housing Extensions and Domestic Outbuildings, January 2021

12. I conclude that the development has a harmful effect on the character and appearance of the area. It is contrary to LPP1 Policy ENV6 and policies DM3 and DM21 of the Cheshire West & Chester Council, Local Plan (Part Two) Land Allocations and Detailed Policies. These policies indicate that development will be expected to achieve a high standard of design that respects the character of the local area and extensions will only be supported where they appear subordinate to the original building, amongst other matters. Paragraph 139 b) of the Framework is not applicable in this instance as the development does not represent outstanding or innovative design.

Other considerations

13. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to explain 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.
14. Paragraphs 131 and 142 of the Framework indicate that the creation of high-quality buildings is fundamental to what the planning process should achieve, and that the Government attaches great importance to Green Belts. Therefore, I ascribe substantial weight to the identified harm.
15. The appellant has indicated that The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) would have permitted a dormer extension, prior to the construction of the rear extensions. The appellant contends that this dormer extension would present no more harm to the Green Belt than the constructed dormer extension. Due to the existing development, that dormer extension would no longer be permitted by the GPDO. As such, it does not represent a realistic fallback position. Also, that extension would be much smaller than the extension constructed and would therefore not be as harmful to the openness and purposes of the Green Belt. Consequently, this does not weigh in favour of the development.
16. The dormer extension may provide a better internal arrangement and increased/improved bedroom accommodation. However, it has not been demonstrated that a larger property meets an identified housing need within the area. Therefore, this is largely a private benefit.
17. My assessment is based upon the construction of the dormer extension rather than its removal. Therefore, whether there are benefits to the demolition of the dormer extension or not, is not a factor in my assessment.
18. There would have been an economic benefit associated with the construction of the dormer extension. Nonetheless, given the scale of the development I only ascribe modest weight to this benefit which would not outweigh the identified harm. In this instance, the other considerations do not clearly outweigh the harm to the Green Belt and to the character and appearance of the area, so as to amount to very special circumstances.

Conclusion

19. The development conflicts with the development plan, when considered as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR