



Appeal Decision

Site visit made on 22 September 2025

by **K Winnard LL.B Hons Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/A0665/D/25/3368225

Maesbury, The Runnell, Parkgate, Neston CH64 3TG

- 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 Nicola Nicholson against the decision of Cheshire West and Chester Council.
 - The application Ref is 25/00600/FUL.
 - The development proposed is a double storey front extension, single storey rear and side extension and raising of central roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal 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 openness of the Green Belt;
 - Its effect on the character and appearance of the host dwelling and area;
 - The effect of the proposal on the amenities of the occupiers of neighbouring properties by reference to privacy; and
 - if the proposal would constitute inappropriate development in the Green Belt whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

3. The appeal property, (Maesbury), is a detached dwelling which has been previously extended and is located within the Green Belt. The Framework establishes that the construction of new buildings is inappropriate development within the Green Belt unless the development falls within specified exceptions. However, paragraph 154 of the Framework lists exceptions that are not inappropriate development. These

include at sub-paragraph 154 (c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. Policy STRAT9 of the Cheshire West and Chester Local Plan Part One (LPPt1) broadly aligns with the Framework in this regard.

4. Policy DM21 of the Cheshire West and Chester Local Plan Part Two Land Allocations and Detailed Policies (LPPt2) quantifies matters further advising that small scale extensions should not increase the size of the original dwelling by more than 30%. The Framework itself does not specify what might be considered a disproportionate addition over and above the size of the original building, nor does it contain specific numerical limits on the size of extensions. Rather it is an objective test which could include, amongst other matters, floor area, volume, form and scale of the relevant building.
5. The Council advises that the property was originally a bungalow with an approximate footprint of 70m². It contends the proposed development when would lead to the house having a floor space of 546m². When considered with previous extension to the property, the Council suggest the proposal would result in an increase in floor area of more than 700% compared to the original building.
6. The appellant has not sought to dispute the floorspace increase figures suggested by the Council. Instead, they refer to the volume of building and note that a previous extension increased the size of the house from 680m³ to 890m³, an increase of about 32%. It is suggested the proposal would further increase the volume to 1031m³, which is acknowledged as being a 52% increase over the original size of the house.
7. There is no dispute the proposal would increase the floor area of the building by more than the 30% guideline provided for within the explanation to LPPt2 Policy DM21. Indeed, the increase would be substantially in excess of the 30% threshold. Moreover, the proposed extensions would increase the height and bulk of the building resulting in a sizeable building. As such I find that the dwelling as a result of the proposal would be substantially larger than the original house and so it would amount to a disproportionate addition to the building. No case is made that the proposal would fall within any of the other exceptions as listed under paragraph 154 of the Framework. As such, I find the scheme would be inappropriate development within the Green Belt.

The effect on openness

8. The essential characteristics of the Green Belt are their openness and permanence. The proposal would increase the footprint of the existing dwelling and there would be an increase in the level of built development on the site. The property is set well back from the highway and sited within a large plot. Whilst it is well screened from The Runnell, there are distant views of the house from Chester High Road. As such the proposal would be harmful as it would cause a small loss of openness to the Green Belt.

Character and Appearance of the host dwelling and the area.

9. The appeal property is one of several large, detached dwellings of different design and form which front The Runnell. Whilst it may have retained some cottage features, the form of the original dwelling as a result of the previous extensions has significantly altered its character to one of a large modern detached dwelling. The

proposal would significantly increase the scale and form resulting in a notably larger dwelling than existing. However, the design of the proposal would reflect elements of the existing host property. The increase of the eaves height in the middle section and introduction of glazed gables would interrupt the symmetrical appearance of the dwelling but the appeal property is of a size and scale able to accommodate such changes. A sizeable part of the garden would remain and the spacious feel of the plot would be maintained. Given the diverse appearance of the dwellings along The Runnell, the proposal would not appear discordant in the streetscene. Within its context the development would appear subordinate to the existing house.

10. Therefore, the proposal would avoid unacceptable harm to the character and appearance of the host dwelling and the area. As such it would accord with Policies ENV6 of the LPpt1, DM3 and DM21 of the LPpt2. These policies together seek to ensure, amongst other matters, that development is in keeping with the character and appearance of the existing building, taking account of any previous development of the original building. Nor would it conflict with the overall aims of the Council's Supplementary Planning Document: House Extensions and Outbuildings (SPD) which supports new development in keeping with the character and appearance of the original dwelling and the wider setting.

Living Conditions

11. The neighbouring property to the east of the appeal property, (Eastleigh), is a detached dwelling which has substantial side and rear gardens. There is no direct overlooking of the rear garden of Eastleigh due to a single storey outbuilding within its garden and adjacent to the common boundary as well as a high boundary fence and a row of taller tree planting within the appeal site. Together these provide a high degree of privacy. The proposed balcony would introduce an elevated viewpoint closer to the boundary and would create a rear facing area where it would be possible to sit out. However given the distance and boundary treatment, any overlooking of the garden at Eastleigh would be within acceptable limits such as one would expect within a residential area.
12. For the reasons given, I conclude that the proposal would avoid an unacceptable effect on the living conditions of the occupiers of Eastleigh with regard to privacy. It would therefore not conflict with Policies SOC5 of the LPpt1 and DM2 of the LPpt2 which together require extensions not to have a significant adverse effect with regard to privacy on the residential amenity of the occupiers of neighbouring properties. Nor would it conflict with the SPD insofar as it aims to safeguard residential amenity.

Other Considerations

13. I have been provided with information on the personal health circumstances of the appellant and other occupiers of the property. The proposal has been designed to more appropriately suit the health needs of the residents compared to the existing layout, including the changing care and support needs over time. On my site visit, I saw that the ground and first floor levels of the dwelling were not all on one level with steps into various rooms and internal door widths had not been widened to facilitate wheelchair access. The scheme would enable the creation of a fully accessible property and in addition would provide an extensive range of health and well-being facilities, including an accessible downstairs bedroom and wet room. As

such, it is clear to me that the additional facilities and accommodation as shown on the appeal plans would be very beneficial to the current occupants.

14. However, I am not satisfied that the scheme as currently proposed is essential for the appellant and other occupiers in coping with their ongoing medical conditions, however desirable it may be. There are a number of letters and reports from various NHS consultants and other professionals and evidence of recent hospital appointments but these relate to matters not directly related with the need for the extensions. Whilst they help to describe health conditions of the residents, they do not demonstrate why all the accommodation sought is necessary or why the extensions need to be of the scale and size as proposed. Nor am I convinced that the accessibility benefits of the scheme would be contingent on the entirety of the proposed development. Therefore, I give only limited weight to the benefits of the proposal in terms of addressing the residents' accommodation requirements.
15. Other benefits forwarded by the appellants include the creation of a more efficient, cost effective, sustainable and energy efficient home, increased biodiversity gains, and the ability to have physio and rehabilitation sessions at home together with increased wellbeing. I attach limited weight in favour of these considerations.

Green Belt balance

16. The proposal would be inappropriate development in the Green Belt and it would harm its openness. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The Framework dictates that harm to the Green Belt should be given substantial weight. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
17. The weight that I give to other considerations in support of the proposal would not clearly outweigh the totality of the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with Policy STRAT9 of LPPt1, policy DM21 of the LPPt2 and the Framework

Other Matters

18. The appellant resides exclusively at the appeal property and I recognise that the failure of this appeal may affect living standards and the residents' enjoyment of their home. If so, this would represent an interference with their rights under the European Convention on Human Rights as set out in Schedule 1 of the Human Rights Act 1998 (Convention). In exercising my functions on behalf of a public authority, I have considered the appellant's and her family's rights under Article 8 of the Convention. As the current residents include children I am also conscious of the United Nations Convention on the Rights of a Child Article 3(1). The best interests of the children are a primary consideration in my assessment. However, these are qualified rights. In this instance, I consider interference with these rights would accord with the law and be in pursuance of a well-established and legitimate aim to protect the Green Belt.
19. Section 149 of the Equality Act 2010 (EA 2010) imposes the public sector equality duty (PSED) on a public authority in the exercise of its functions. The PSED means

that in the exercise of their functions a public authority needs to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic (in this case disability) and people who do not share it. This duty does not compel a particular outcome however and due regard is the regard which is appropriate in consideration of the circumstances of the particular case. Since there is the potential for my decision to affect the living conditions of persons with protected characteristics, I have had regard to the three equality principles set out in the EA 2010.

20. However, it does not follow through the PSED that the appeal should succeed. I have given the personal health circumstances as set out careful consideration. Whilst I am sympathetic of the difficulties posed by the present layout, I am not persuaded on the information before me that the adaptation of the property could not be achieved with a less harmful solution. When balanced alongside the legitimate planning purposes of Green Belt policy, including the great importance that Government attaches to Green Belts, I find that the potential adverse effects of dismissing this appeal on persons with protected characteristics would be proportionate.

Conclusion

21. For the reasons given above and having regard to all matters raised I conclude that the appeal is dismissed.

K Winnard

INSPECTOR