



Appeal Decision

Site visit made on 9 October 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/A0665/D/25/3371316

9 Firbank, Elton, Chester CH2 4LY

- 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 Rebecca Walton against the decision of Cheshire West and Chester Council.
- The application reference is 25/00962/FUL.
- The development proposed is a single-storey rear and first-floor side extension, alterations to existing conservatory by removing glazing and replacing with cavity walls, bi-fold glass opening and 1 window with an insulated roof with 2 Velux windows and replacement of all existing glazing.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development was described on the planning application form as:

“The house owners would like to convert their conservatory into a functional part of the property by: 1. removing the existing glazing and replacing it with cavity walls to match the existing brick veneer complete with 1 bi-fold glass opening and 1 window; 2. switching the existing Polycarbonate roof with an insulated roof with 2 velux windows; 3. removing the existing wall dividing the Existing Dining Area from the Existing Conservatory, therefore creating a open space; 4. Changing the door from Living Room to Dining Room to a Sliding Door. The house owners would like to extend their first floor to create 1 new Bedroom and extend one of the existing Bedrooms, both above the Existing/single storey, Garage and Kitchen. To do this the home owners will need to: 1. Increase the height of current Garage Exterior Wall to match rest of Existing Exterior Walls; 2. Increase the surface of the Roof to cover the new extension; 3. Add Windows to rooms overlooking onto Drive and Back Garden; 4. Add 1 Door to Proposed New Bedroom. The House owners would like to replace all existing glazing to the property to provide better insulation.”

3. An amended description was used on the Council’s decision notice, and subsequently by the appellant on the appeal form. I have used that wording in the banner heading above as it provides a more concise description of the development than the original.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area, and on living conditions for neighbouring residents with particular regard to overshadowing of No 11 Firbank.

Reasons

Character and appearance

5. The appeal property is a two-storey detached dwelling on the west side of a cul-de-sac in a residential area. It has an L-shaped footprint, with a rear conservatory and attached side garage. At the rear of the ground floor, the existing conservatory would be adapted by the replacement of glazing with brick cavity walls, providing an enlarged dining room incorporating the existing kitchen, while a new kitchen would be constructed in the space behind the garage. At first-floor level, a new side extension above the garage would provide space for one new bedroom, as well the enlargement of one of the existing bedrooms.
6. The Council's 2021 House Extensions and Domestic Outbuildings Supplementary Planning Document ("the SPD") sets out relevant guidance. Among other things, it says that extensions should be "sufficiently subordinate to the main dwelling", so that they are in keeping with the character and appearance of the original dwelling, surrounding properties, and the wider setting, and goes on to advise that this can be achieved by ensuring that the front elevation of the first floor is set back at least 1 metre from the main part of the front wall of the house. The SPD also advises that the roof of a side extension should be lower than, in keeping with, and properly integrated into, the main roof of the dwelling. In this case, the front of the side extension would not be set behind the main front elevation, but flush with the front of the existing first floor. The enlarged roof would have a ridge slightly higher than that of the existing main roof. In these respects, therefore, the proposed side extension would not comply with the guidance in the SPD.
7. However, it is acknowledged in the SPD that each proposal should be considered on its own merits, and relevant local circumstances taken into account. Here, the side extension would sit behind the single-storey front porch and garage, which project a little way forward of the rest of the building with a pitched roof; this ground floor projection would be retained, albeit with a slightly modified roof form, and would visually break up the front of the building. The slight increase in overall roof height would not lead to the appeal property being significantly out of kilter in area where, I saw, roofs have a variety of forms and heights; the enlarged roof would retain a hipped form in keeping with the existing main roof, with which it would be properly integrated. Though the proposed extension would represent a notable enlargement of the front of the appeal property, it would not appear as a cumbersome or otherwise harmfully dominant addition.
8. Considering the wider area, though there is broad consistency in materials used and the scale of dwellings, there is a considerable variety of house types and detailing. For example, although the appeal property is of the same basic design as Nos 11 and 15 Firbank next-door and next-door-but-one¹, the appearance of those two neighbours differs from the appeal property in that they have gable rather than hipped roofs, and no areas of render. On the other side of the appeal property, No 7 Firbank extends across almost the full width of its plot on two storeys, partly (judging from apparently newer brickwork) as a result of a first-floor side extension.
9. Further down the street, No 17 also has a side extension similar in form to that proposed here; though that may have been approved before the adoption of the

¹ There is no No 13 on the street.

SPD, it is did not appear to me to be at odds with its surroundings – many other properties in the neighbourhood extend are of broadly similar appearance. The positive aspects of the area’s character and appearance are not dependent on symmetry or repeating building forms, nor on consistent building widths or plot ratios. The six dwellings from Nos 7 to 17 Firbank, including the appeal property, are on a stepped building line; the alignment, and the (albeit shallow) gaps between adjoining properties mean that there would be no visual terracing effect.

10. The single-storey rear extensions would have shallow pitched roofs. Materials of all parts of the development – red brickwork walls, with upper parts finished in white render, and grey roof tiles – would match the existing dwelling. In these respects, the development would comply with the provisions of the SPD. I also note that the Council considered that no harm to character or appearance would arise from the proposed single-storey rear extension or the alterations to the existing conservatory. Nothing I have seen leads me to disagree with that assessment.
11. Taking the above points together, and notwithstanding the limited conflict with the advice of the SPD, I conclude that the extension would have only a moderate impact on the streetscene, and would not cause unacceptable harm to the character or appearance of the area. There would therefore be no conflict with Policy ENV6 of the 2015 Cheshire West and Chester Local Plan Part One (“the Part One LP”), or with Policies DM3 and DM21 of the 2019 Cheshire West and Chester Local Plan Part Two (“the Part Two LP”). Together, and among other things, these policies seek to ensure that development respects local character, and that domestic extensions are in keeping with the character of the original dwelling and surrounding properties.

Living conditions

12. In respect of residential amenity, the SPD notes that “extensions taller than a single storey [...] have the ability to have a significant impact on visual amenity, and great potential to adversely affect neighbouring habitable room windows”. The SPD seeks to apply a version of the well-known “45-degree rule”, that a two-storey extension will not cross a 45-degree line taken from the closest part of any rear wall of a neighbouring dwellinghouse containing a habitable room window. Here, the rear part of the first-floor side extension would cross such a line drawn from the rear of No 11.
13. While the application of the 45-degree rule is set out in a section of the SPD specifically dealing with two-storey *rear* extensions (my emphasis), it does not seem to me unreasonable that it should also apply where side extensions could have a similar impact. That would be the case here, because of the stepped building line of Nos 7 to 17 Firbank. Those properties all face slightly north of west and, because of the close relationship between the appeal property and No 11 to its north, the proposed extension would be likely to lead to an increase in overshadowing of the nearest windows at No 11 – a double window on the first floor and a double patio or French door on the ground floor. This would make the rooms served by those windows darker than at present and, in the absence of any substantive evidence to the contrary (such as a daylight report) I cannot be satisfied that any loss of daylight would not cause unacceptable harm to living conditions at No 11.

14. I note the appellant's comment that the current occupiers of No 11 "do not mind" the proposed development. That may well be so, but I have to bear in mind that any harm caused now would be likely to be long-lasting, and would probably endure well after the existing occupiers of both properties eventually move on. I also recognise that the extension would allow the appellant and her family to remain in the house and community for the long-term and, while I am of course sympathetic to that desire, it would not outweigh unacceptable harm in planning terms.
15. The appellant raised the question in her appeal statement as to whether the scheme could be reconsidered with a shorter first-floor extension finishing in line with the rear wall of No 11. Regardless of my decision, it would be open to the appellant to submit another application to the Council seeking planning permission for a revised scheme along those lines. However, my role here is to determine this appeal based on the specific proposal before me; it would not be appropriate for me to suggest that another hypothetical proposal would, or would not, be acceptable, as that could fetter the Council's future decision making.
16. The Council did not find that the proposed extension would have unacceptable impacts in respect of other matters such as privacy, and based on everything I have seen and read I see no reason to take a different view. However, because of the increased overshadowing of No 11, I cannot be satisfied that there would be no harm to living conditions for the occupiers of that house. The proposal would therefore conflict with Policy SOC5 of the Part One LP, and with Policies DM2 and DM21 of the Part Two LP. Together, and among other things, these policies seek to ensure that development, including residential extensions, does not have significant adverse impacts on residential amenity.

Other Matter

17. The site lies within the Green Belt. While Paragraph 154 of the National Planning Policy Framework ("the Framework") states that development in the Green Belt is inappropriate, it sets out a number of exceptions. Among these are "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". The officer report for the planning application indicated that the Council considered that the proposed extension would not represent a disproportionate addition, and that the scheme would not therefore be "inappropriate development" in the Framework's terms. None of the evidence before me, including what I saw during my site visit, leads me to a different conclusion on this matter.

Planning Balance and Conclusion

18. I have found the proposal would not cause significant harm to the character or appearance of the area. However, on the basis of the evidence before me I cannot be satisfied that there would be no significantly detrimental effect on neighbours' living conditions. The proposal therefore fails to comply with the development plan as a whole. The appeal is therefore dismissed.

M Cryan

Inspector