

STRATEGIC PLANNING BOARD

APPEALS

Application No: P08/0915

Appellant: Mrs Rita Strolin

Site Address: Sunset Cottage, Homshaw Lane, Haslington, Crewe CW1 5TN

Proposal: Appeal against the refusal of planning permission by the former Crewe and Nantwich Borough Council for the demolition of outbuildings and construction of conservatory to create a kitchen, lounge and mezzanine floor over.

Level of decision: Development Control Committee

Decision: Refused

Appeal Decision: Dismissed

MAIN ISSUES

The main issue of the proposal is the effect on the character and appearance of the house and the local area. The appearance of the cottage is of a vernacular building, with exposed timber framing and decorative brick infill panels. The dwelling has low eaves height and small window openings, and is of a simple rectangular gabled form.

INSPECTOR'S REASONS

The Inspector stated that the proposed extension would bring about a fundamental change in the form of the building, creating an L-shaped plan and forming an extension which would be large enough to compete visually with the original block. Although the roof would have a lower ridge than the main roof, its span would be wider, giving it considerable mass. The three large rooflights would be highly prominent on the northern roof slope and would be out of scale with the existing domestic window openings. The extensions long southern side would wrap around the existing gable, forming an awkward junction around the existing first floor window, involving a small area of flat roof that would be visible from the front of the cottage.

The Inspector considers that the extension would not respect the scale and form of the original dwelling, and would therefore be contrary to Policy RES.11, and would not appear to be subordinate to the original dwelling within the open countryside.

The Inspector considers that the cottage and adjacent properties to the south form a loosely aligned group, with rear gardens increasing in length with the road. The spacious relationship with the road is typical of the general character of the area, and the depth and projection of the cottage. The extension would form a significant intrusion into the space between the houses and the road. The proposal is screened partially by boundary planting,

but would still be a prominent feature in the streetscene, particularly when seen from the north where the glazed rooflights would stand out against the tiled roof slope, contrary to policies RES.11 and BE.2 of the Crewe and Nantwich Replacement Local Plan 2011.

The Inspector notes that the proposed extension would not significantly breach the 45 degree guideline to the property at the 'Struan' and therefore would not unduly harm the living conditions of the residence. However, this does not outweigh the harm identified and therefore the proposed development was dismissed.

IMPLICATIONS FOR THE COUNCIL

This is a good decision for the Council as the Inspector placed a high weighting on the Extensions and Householder SPD and defined a subservient structure. The Inspector put emphasis on the design of the traditional style cottage in a prominent location and considered that the modern extension did not respect the host building.

Application No: P08/1056 and P08/1039

Appellant: Mr Richard Keen

Site Address: 5 Lea Hall Barns, Wrinehill Road, Wybunbury, Cheshire CW5 7NS

Proposal: Appeal against the refusal of planning permissions by former Crewe and Nantwich Borough Council for (a) erection of wooden shed 8' by 6' and (b) erection of greenhouse 12' 6" by 8' 5" brick base/green aluminium.

Level of decision: Delegated

Decision: Refused

Appeal Decision: Allowed

MAIN ISSUES

The main issues of the appeals are the effect of the proposals on the setting of the listed building and the character and appearance of the surrounding countryside. No. 5 Lea Hall Barns is one of a series of dwellings converted within a barn complex which is linked to Lea Hall, a Grade II* listed building.

INSPECTOR'S REASONS

The Inspector states that having regard to Section 1(5) of the Planning (Listed Building and Conservation Areas) Act 1990, the Council have regarded the barn complex as part of the listed building, and the Inspector concurs with that approach.

The Inspector states that the conversion of the barns to dwellings has led to the domestication of the buildings themselves. Although a semblance of their former agricultural origin remains, it is very clear that they are now dwellings and this has been underlined by the provision of associated garden areas with hardstandings, lawns, and post and rail fences as boundaries, also a range of domestic features, some movable, and others such as a pond more permanent in nature are found. The Inspector therefore considers that these features render the domestic use of the area delineated and do not appear as part of the surrounding countryside.

The Inspector states that the shed and greenhouse would be domestic structures of a degree of permanence, however would be contained within one of the gardens that have been formed as part of the conversion and sit along side other, similar domestic accoutrements. The Inspector considered that the shed and greenhouse would not appear incongruous in their context, thus preserving the setting of the listed building and having no particular impact on the character or appearance of the surrounding countryside. It is

therefore found that the proposals are in accordance with Local Plan Policies BE.2 and NE.2 and the appeals are allowed.

IMPLICATIONS FOR THE COUNCIL

This is a disappointing decision for the Council in relation to development within the curtilage of a converted former agricultural building. It is however a stand alone decision that whilst disappointing does not set any precedence for future applications.

Application No: P08/0016

Appellant: Mr Jason Gregory

Site Address: Ivy Farm, Waldrons Lane, Crewe, Cheshire CW1 4PT

Proposal: Appeal against the refusal of planning permission by the former Crewe and Nantwich Borough Council for the erection of an agricultural building, glasshouse, mobile home plus access and car parking in connection with organic farming business.

Level of decision: Development Control Committee

Decision: Refused

Appeal Decision: Part allowed - part dismissed

MAIN ISSUES

The main issue of the appeal whether there is an essential agricultural need for a worker to live at the farm. Ivy Farm is situated within the open countryside as designated by the Local Plan 2011, where the construction of new housing is strictly controlled to protect its intrinsic character and beauty.

INSPECTOR'S REASONS

It is proposed that hens will be kept on the farm to produce organic eggs and a range of organic produce which would be cultivated on the fields and within the glasshouse. There is no house on the farm and therefore a mobile home is proposed on the site for a worker to live in. Both the Council and the Inspector agree that the proposed glasshouse and agricultural building are acceptable subject to suitable conditions.

The Inspector notes that Policy RES.5 seeks to protect the open countryside by only allowing new housing within that which is essential. The Inspector states that the test of functional need within PPS7 seeks to establish whether it is essential for proper functioning of the enterprise for one or more workers to be readily available at most times and if so, whether that need can be met by a suitably located dwelling nearby. It is agreed that the activities which will be carried out by Mr Gregory, cumulatively exceeds the equivalent work of one full time employee. The most vulnerable aspect of the business is the possible damage and loss of produce within the glass house, where a time period of 15 minutes to address the problem is required before significant loss or damaged to the crop is incurred, and therefore there is a need for a full-time worker to be readily available at most times.

The Inspector states that it is not essential that a residential presence is required on the farm as the necessary checks could be made by someone living off site, and a farm office could be provided on site which would allow

for a rest room, and area to eat and wash during the day. Modern technology can assess essential parameters within the glass house remotely using mobile or fixed phone lines, and therefore the critical issue is whether the worker once altered can get to the glass house comfortably within 15 minutes. The Inspector states that the farm is less than a 1km from the north eastern suburb of Crewe where there is a wide range of properties available within a 5 minute drive from the farm. The time taken and the costs associated with the commute would be small. Therefore the Inspector concludes that whilst there is a functional need for a worker to be readily available at most times, it is not necessary for the worker to be on-site and can be addressed with nearby housing.

Others matters raised included the financial soundness of the enterprise, highway safety, and protected species, however the Inspector concluded that these issues do not outweigh the harm caused by the proposed mobile home. The Inspector reached a split decision on the appeal, dismissing the proposed mobile home, car parking area and access off Waldron Lane and allowing the proposed agricultural building, glasshouse, car parking and access off Chapel Lane.

IMPLICATIONS FOR THE COUNCIL

The Council's objection related to the mobile home only and the Inspector's view that an essential worker could live in Crewe and still meet the functional needs of the enterprise is consistent with the Council's approach in this case. The decision is consistent with the approach of the former Crewe and Nantwich Borough Council in considering other applications for agricultural workers dwellings elsewhere.

Application No: P08/0739

Appellant: Mrs P Brand

Site Address: The Coach House, Chester Road, Acton Nantwich, Cheshire, CW5 8LA

Proposal: Appeal against the refusal of planning permission by the former Crewe and Nantwich Borough Council for the erection of a single storey timber framed glazed conservatory.

Level of decision: Delegated

Decision: Refused

Appeal Decision: Dismissed

MAIN ISSUES

The main issue of the proposed development is the effect of the proposed development on the character and appearance of the converted coach house which is situated within the open countryside to the west of the settlement of Nantwich. The Coach house was converted and extended to residential use in 2003.

INSPECTOR'S REASONS

The Inspector considered that generally the Coach house had been converted in way that respects the form, design and character of the original, particularly to the west and south elevations which retain much of the simple original character. The proposed development would replace a slate-covered open porch canopy with larger hipped and mono-pitched roof conservatory linking the western gable of the original coach house building to one of the later extensions.

The Inspector states that the principal objective of Policies BE.2 and RES.11 of the Borough of Crewe and Nantwich Local Plan 2011 are ensuring that extensions to dwellings harmonise with the character of the parent dwelling and in this case the former use as a coach house is significant to the application policies. The Extensions and Householder SPD Para 4.10 and 4.11 provide detailed guidance in relation to alterations to converted rural buildings. The Inspector states that the proposed development would introduce a predominantly glazed structure with a hipped roof the gabled western elevation of the original part of the building. Its design, materials and proportions, particularly of fenestration and dwarf wall, would fail to integrate or harmonise with the simple character of the original coach house building which has been retained in the conversation. The proposal is therefore contrary to policies BE.2 and RES.11 of the Crewe and Nantwich Replacement LP and the objective of paragraphs 4.10 and 4.11 of the SPD,

which seek to ensure the original form of converted buildings is not compromised by inappropriate alteration.

IMPLICATIONS FOR THE COUNCIL

This is a good decision for the Council as the Inspector has highlighted the importance of design considerations and places weight on the Extensions and Householder Development SPD. This prioritises the SPD as an important consideration in determining planning applications.

Application No: P08/0820

Appellant: UBS Global Asset Management (UK) Limited

Site Address: Unit 12 Grand Junction Retail Park, Crewe, CW1 2RP

Proposal: Appeal against the refusal of planning permission by the former Crewe and Nantwich Borough Council for the creation of an additional 2230 sq m of retail floorspace at mezzanine level.

Level of decision: Development Control Committee

Decision: Refused

Appeal Decision: Dismissed

MAIN ISSUES

The main issue of the appeal is the extent to which the proposed development would be consistent with Government policies in Planning Policy Statement (PPS6): Planning for Town Centres. The Unit is located outside the town centre as defined on the Borough of Crewe and Nantwich Replacement Local Plan 2011 proposal map. Unit 12 Grand Junction Retail Park is currently trading as Focus DIY but the end user would sell comparison goods, which could be controlled by condition.

INSPECTOR'S REASONS

The Inspector states that para. 3.4 of PPS6: Planning for Town Centres sets out five tests that applicants should be required to demonstrate in respect of retail applications. Both parties agree that this application meets two of the tests, (i) that the development is of an appropriate scale and (ii) the location is accessible.

The Cheshire Town Centre Study 2006 – 2021 identifies that Crewe requires in the short-term (by 2011) between 12,430 sq m and 17,743 sq m net floorspace, and in the medium term (by 2016) between 28,800 sq m and 41,143 sq m floorspace. The existing floorspace of the town centre is 76,487 sq m. The appellant argues that there remains a significant need for additional floorspace with a capacity of some £43 million in 2009 and £112.5m by 2014. The Council reviewed the figures contained in the study and found that the surplus capacity would not be as indicated in the study and would be closer to £57.8m in 2014 which could be reduced to £17.6m by special forms of trading (catalogue/internet/mail order). The Inspector notes that the level now suggested by the Council would be very different to £144m capacity by 2016 figure suggested in the study, and therefore significantly reduced the amount of floorspace required.

The Inspector also notes that there is a resolution to grant planning permission for a town centre redevelopment scheme (Modus), which would deliver some 20,688 sq m net addition of comparison floorspace, and although planning permission is yet to be issued for the Modus scheme, Modus are still committed to the redevelopment. However it should be noted that the Modus scheme does have outline planning permission. The Inspector states that there are a significant number of shops vacant in the town centre and notes that the appellant could operate from a store of the size of the current Focus and therefore concludes that there is not a quantitative need for the development.

In respect to qualitative need the Inspector states that it is not disputed that floorspace suitable for bulky goods sales is required in Crewe, and that the increase in size of the unit for use for sale of comparison goods would increase choice of type of floorspace, however the Inspector states that this does not outweigh concerns about the quantitative need for the floorspace.

The Inspector states that PPS6 advocates locating new retail development in town centres first, then edge of centre and then out of centre. The Focus unit is not within 300m of the town centre boundary, and is therefore an out of centre site. The Inspector states that whilst Modus may not be the end developer of the redevelopment of the town centre, and may open in the medium term rather than the short the councils active participation in the development suggests a good likelihood that the development will occur. Therefore the Inspector considers that it would be a sequentially better retail location than the appeal site.

The existing town centre has 37 vacant shops amounting to 7,380 sq m of floorspace, and the vacancies have increased over the years. LP policy S.1 seeks to help promote vitality and viability of the town centre by concentrating shopping provision within it. The Inspector considers that the development would not promote the vitality or viability of the town centre and would enhance the offer of the Grand Retail Junction Park where car parking is free. The Inspector considers that the addition of the mezzanine floorspace could make the development of the allocated town centre site, in a sequentially better location less likely to happen.

The Inspector therefore states that the proposal would not be consistent with Government policies in Planning Policy Statement (PPS6): Planning for Town Centres and the appeal was dismissed.

IMPLICATIONS FOR THE COUNCIL

This is a good decision for the Council in that it re-enforces the town centre retailing policies and specifically enables the Council to resist out of town centre retailing that would compromise the approved Modus town centre redevelopment scheme.

Application No: P08/1124

Appellant: Mr Michael Glover

Site Address: Lake View, Waybutt Lane, Balterley, Crewe, Cheshire Cw2 5QA

Proposal: Single storey rear extension for a 7 x 4.3m swimming pool

Level of decision: Delegated

Decision: Refused

Appeal Decision: Dismissed

MAIN ISSUES

The main issue of the appeal is the whether the proposed development represents inappropriate development in the Green Belt and, if it does, whether there are any very special circumstances sufficient to outweigh the harm to the Green Belt and any other harm.

INSPECTOR'S REASONS

The Bungalow on the appeal site has recently been erected following a planning permission granted in 2005 for a replacement log cabin. The dwelling as originally built extended to approximately 100 sq m which is considerably larger than the log cabin. The curtilage of the property as originally approved in 2005 has subsequently been extended and the bungalow enlarged by the construction of a detached garage and a conservatory with a further increase in floor space brought about by the conversion of the loft area into living accommodation.

It is considered by the Inspector that the additional living space created in the loft area does not create an increase in building bulk to the property and therefore would have a negligible impact on the openness and character of the Green Belt. Nevertheless the Inspector considers that the appeal proposal would represent a significant and substantial increase, and in terms of strict control of development in the Green Belt an extension of the replacement building of this size could not be regarded as limited and even more so in relation to the small log cabin it replaced. Adding the proposed extension to the other extensions would result in a building significantly larger and disproportionate to the size of the original dwelling contrary to LP policy NE1 and PPG2.

The Inspector notes that Policy RES.11 requires extension in the Green Belt and open countryside to be subservient to the original dwelling. However in

respect of visual impact the Inspector considers that the proposed link extension would be of a scale which appear subordinate to the existing dwelling and not in conflict with policy RES.11.

Nevertheless the Inspector considers that the extension would have a particularly undesirable impact in that it would significantly reduce the open area between the existing dwelling and the garage. Seen from the north east the proposed extension would block attractive views through the gap between the two structures that comprise a backdrop of the trees alongside the fishing lake. This aspect would be replaced with a more consolidated form of built development which would be damaging to the openness of the Green Belt and the character and appearance of the rural scene, contrary to Local Plan Policy BE.2. As no special circumstances have been found to justify allowing inappropriate development in the Green Belt the Inspector dismissed the appeal.

IMPLICATIONS FOR THE COUNCIL

This is a good decision for the Council, highlighting the importance of the protection of the openness of the Green Belt. The decision re-enforces the Policies contained within the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Application No: 08/00011E

Appellant: Mrs Lesley Wheetman

Site Address: Lindow End Smithy, Edge View Lane, Shorley, Alderley Edge, SK9 7SU

Details: The appeal was against an enforcement notice which alleged an unauthorised change of use of land from industrial to the siting of caravans, greenhouses, sheds, meter housing and other domestic paraphernalia. The notice required the removal of the caravans, sheds and associated service connections and paraphernalia.

Date of Enforcement Notice: 7 March 2008

Appeal Decision: The appeal was dismissed and the enforcement notice upheld, subject to several variations. (9 December 2008).

MAIN ISSUES

The site lies within the North Cheshire Green Belt and was formerly occupied by a smithy building that has since been demolished. There is a list of planning / enforcement history on the site.

The Inspector agreed with the Council that the 3 residential caravans on the land had been there for less than 10 years prior to the issuing of the enforcement notice and therefore that the material change of use was not immune from enforcement action. The appeal on ground (d) therefore failed.

The Inspector concluded that only the removal of the caravans and associated operational development would remedy the breach of planning control in the North Cheshire Green Belt and therefore the requirements of the notice to remove them was upheld. The Inspector concluded that several of the small sheds and the greenhouse were not associated with the material change of use and therefore the requirement to remove these structures from the land was removed from the notice.

IMPLICATIONS FOR THE COUNCIL

The decision re-affirms the Council's approach to strict control over development in the Green Belt in line with local plan policy and national guidance.

Application No: 06/00495E

Appellant: Mr Lee Brown

Site Address: Lode Hill, Altrincham Road, Styal, Wilmslow

Details: The appeal was against an enforcement notice which alleged that there had been an unauthorised material change of use of land at the site by virtue of the expansion of land used for airport car parking on the site and the laying of associated areas of hardstanding.

Appeal Decision: The appeal was allowed in part following a correction and variation of the enforcement notice (essentially the use for commercial car parking was allowed but the requirement to remove the hardstanding on which the cars have been parking was upheld)

MAIN ISSUES

This was an appeal against an enforcement notice which alleged that there had been an unauthorised material change of use of land at the site by virtue of the expansion of land used for airport car parking on the site. A smaller area of land on the site had been in use for commercial car parking for more than ten years, and the Council took the view that the smaller area of land was immune from enforcement action. The expansion of the airport car parking use at the site appeared from various sources of evidence to have occurred in 2005. The site lies in the Green Belt and Styal Conservation Area. The Council considered that the expansion of operations constituted a harmful material change of use by intensification, and hence those areas of the site and associated hardstanding were the subject of an enforcement notice, requiring the cessation of the use on those areas and the removal of the hardstanding.

The notice was appealed on grounds (b), (d), (f) and (g). A ground (c) appeal was also introduced on the first day of the Inquiry.

The appeal in ground (b) related to a technical matter and the Inspector varied the notice in accordance with both parties' agreement at the Inquiry.

Appeal on Ground C

This was a fundamental issue. Ground (c) is an appeal on the basis that there has not been a breach of planning control. In this case the Inspector concluded that the increase in airport car parking on the site was essentially 'more of the same' on the same planning unit and did not involve a change in the *character of the use of the land*. Having reached this conclusion, in the light of existing case law, the Inspector was then bound to conclude that there was no material change of use of the land and therefore no breach of

planning control. The appeal on ground (c) was therefore allowed and the requirement to cease the car parking use was deleted from the notice

Appeal on Ground D

The Inspector agreed with the Council that the laying of hardstanding at the constituted operational development. From the evidence put forward at the Inquiry, the Inspector concluded that the works had not been substantially completed 4 years prior to the date of the enforcement notice and were not immune from enforcement action. The appeal on ground (d) failed and the Inspector upheld the requirement of the notice to remove the hardstanding.

Appeal on Grounds F and G

The Inspector concluded that the requirements of the notice to remove the hardstanding and re-seed with grass were reasonable and the time periods given for compliance (4 months) were also acceptable. The appeal on grounds (f) and (g) therefore failed.

IMPLICATIONS FOR THE COUNCIL

Identifying a material change of use by intensification is far from a clear-cut issue, and each case must be assessed on its merits. What constitutes a change in the character of the use of the land is open to interpretation and in this case the appellant successfully argued that there was no change in character. In terms of airport car parking specifically, this case highlights how a use may spread across a planning unit once a lawful use has been established; this must be taken into account when monitoring and considering enforcement action for any other unauthorised commercial parking use to prevent lawful uses being gained by stealth.

However, the decision upholds the requirement to remove the hardstanding and re-seed with grass, and this is being pursued by officers for compliance.

Application No: 08/1132P

Appellant: Mr N Guest

Site Address: The Old Vicarage, Sandle Bridge Lane, Marthall, Knutsford, WA16 8SX

Proposal: Appeal against the refusal of planning permission by Macclesfield Borough Council for the conversion of an outbuilding to ancillary accommodation, incorporating a first floor extension.

Level of decision: Delegated

Decision: Refused 24/10/08

Appeal Decision: Appeal dismissed: 05/03/09

MAIN ISSUES

The coach house is a single storey outbuilding of traditional appearance, situated within the Green Belt. The key issues related to the impact of the proposals on the character and appearance of the building and the visual amenities of the Green Belt.

INSPECTOR'S REASONS

The Council raised no objections to the principle of the conversion of the coach house for domestic purposes. It was contended however that the raising of the central gable by 1m would have formed an incongruous and over-dominant element, not in keeping with the architectural vernacular of the existing building.

The proposal was also deemed to have been out of keeping with the existing surrounding buildings. Whilst not materially impacting on the openness of the Green Belt, the proposed extension would have nevertheless materially harmed the visual amenities of the Green Belt.

The Inspector concurred with the Council's view that the proposals would have caused material harm to the character and appearance of the building in question and its setting. Such development would have conflicted with Local Plan Policies DC1, DC2, GC1 and GC12 and national guidance in the form of Planning Policy Guidance Note 2: Green Belts. Therefore the appeal was dismissed.

IMPLICATIONS FOR THE COUNCIL

The appeal decision reflects and reinforces the Council's policies relating to the importance of sympathetically designed extensions to buildings, that are in keeping with the existing vernacular and setting.

Application No: 08/1358P

Appellant: Prestbury Bowling Club

Site Address: Prestbury Bowling Club, Behind Village Hall, Macclesfield Road, Prestbury.

Proposal: Erection of eight 6m high floodlights.

Level of decision: Delegated

Decision: Refused: 05/06/08

Appeal Decision: Appeal dismissed: 24/03/09

MAIN ISSUES

The key issue is the extent of the effect that the proposed floodlights have on the character and appearance of the area which has been designated as a conservation area.

INSPECTOR'S REASONS

The Inspector considers that issue of recreational benefits should be balanced against other impacts. In general the proposal is supported by PPG17 and the need to improve sports facilities, and also in part Local Plan Policy DC64 whereby the benefits of floodlighting sports facilities are carefully balanced by the visual impact and the effect that the intensification of the use of the site would have on residents.

The Inspector considers that the degree of disturbance and loss of amenity is sufficient enough to warrant the rejection of the proposal as it does not comply with Local Plan Policies DC3 and DC64.

IMPLICATIONS FOR THE COUNCIL

The importance of the design of development within the Prestbury Conservation area has been highlighted. Any potential gain of the development was considered to be limited due to the potential harm of the development.

Application Number: 08/0006/FUL

Appellant: Mr P Shaw

Site Address: Land adjacent to 19 Springbank, Scholar Green.

Proposal: Erection of a two storey detached dwelling house.

Level of Decision: Delegated

Recommendation: Refuse 17th June 2008

Decision: Refuse 23rd June 2008

Appeal Decision: Dismissed 11th February 2009

MAIN ISSUES

Whether the development would be inappropriate in the Green Belt and whether any harm is outweighed by other considerations, that amount to very special circumstances necessary to justify the development.

INSPECTOR'S REASONS

The scale of the development would be sufficient to be harmful to the openness of the Green Belt and would conflict with PPG2. Very special circumstances have not been demonstrated in order to outweigh the harm that would be caused by the development.

IMPLICATIONS FOR THE COUNCIL

None.

Application Number: 08/0187/FUL

Appellant: Mrs E Tully

Site Address: Allotment Wood, Oak Tree Lane, Cranage, Middlewich.

Proposal: Construction of single storey garage/store in agarden.

Level of Decision: Delegated

Recommendation: Refuse 22nd April 2008

Decision: Refuse 25th April 2008

Appeal Decision: Dismissed 10th February 2009

MAIN ISSUES

Whether the development would be inappropriate within the Open Countryside and be in keeping with the character of the dwellinghouse.

INSPECTOR'S REASONS

The development would not be sympathetic to the character, appearance, or form of the site and surrounding area in terms of its height, scale, materials, design, or relationship to the existing house.

IMPLICATIONS FOR THE COUNCIL

None.

Application Number: 08/0646/FUL

Appellant: Mr G Henshall

Site Address: 7 Jodrell Bank Cottages, Holmes Chapel Road,
Holmes Chapel

Proposal: Two storey side and rear extension

Level of Decision: Delegated

Recommendation: Refuse 29th May 2008

Decision: Refuse 30th May 2008

Appeal Decision: Allowed 28th January 2009

MAIN ISSUES

Whether a 50% increase upon the volume of the original property would be disproportionate and result in a detrimental effect upon the character of a property located within the Open Countryside and whether any harm is outweighed by other considerations, that amount to very special circumstances necessary to justify the development.

INSPECTOR'S REASONS

Despite having an increase in volume considerably greater than the 30% which is defined as a modest extension, the proposed development would not have a significant detrimental effect upon the character or identity of the dwellinghouse by reason of its siting and existing screening and the extension is justified by the need to provide more practical and comfortable accommodation at the very small existing dwelling.

IMPLICATIONS FOR THE COUNCIL

None.

Application Number: 08/1075/FUL

Appellant: Mr Robert Scott

Site Address: 1 Langley Close, Sandbach

Proposal: Removal of boundary hedge and erection of brick built wall

Level of Decision: Delegated

Recommendation: Refuse 26th August 2008

Decision: Refuse 28th August 2008

Appeal Decision: Allowed 25th March 2009

MAIN ISSUES

Whether a brick built wall of the proposed height and scale would appear dominant and intrusive within the street scene and be detrimental to the visual amenity of the wider area.

INSPECTOR'S REASONS

The proposal would not represent an unacceptable feature in the street scene given that other boundary types including walls and fences existed on the modern residential estate. In addition it was considered that the appellants intention to introduce a landscaping scheme would minimise the proposals visual impact. It is noted that no landscaping scheme was submitted with the original planning application.

Whilst the council suggested the standard landscaping condition should the inspector be minded to allow the appeal, such condition was considered overly prescriptive and attached a simpler condition to the permission.

IMPLICATIONS FOR THE COUNCIL

None