
Appeal Decision

Site visit made on 31 October 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th November 2016

Appeal Ref: APP/R0660/D/16/3155820

1 Nessina Grove, Wistaston CW2 8EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr T Cooper against the decision of Cheshire East Council.
 - The application Ref 16/1895N, dated 18 April 2016, was refused by notice dated 12 July 2016.
 - The application sought planning permission for a side and rear 2 storey extension and single storey infill without complying with a condition attached to planning permission Ref 14/1131N, dated 30 April 2014.
 - The condition in dispute is No 2 which states that: *"The development hereby approved shall be carried out in total accordance with the approved plans submitted with the application"*.
 - The reason given for the condition is: *"For the avoidance of doubt and to specify the plans to which the permission/consent relates"*.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission has been granted for a two storey side and rear extension and single storey rear infill extension. The appeal relates to an application seeking removal of the condition 2 requiring total accordance with the approved plans and replacement with a condition specifying the plans that reflect an amended design. The amended design of the appeal proposal alters the roof at ridge and eaves level of the two storey extension, including continuation of the original hipped roof form when viewed from the front and removal of demarcation of a rear roof section.
 3. The application form for this appeal indicates that the approved development was commenced on 1 November 2015. At the time of my visit, the roof of the two storey extension had been built not in accordance with the approved plans relating to condition 2 of planning permission ref: 14/1131N. It seems though, on the balance of probability and based on the evidence before me, that the changes to the roof had not been undertaken before 18 April 2016 when the planning application to vary the plans condition was made to the local planning authority. I shall therefore deal with this appeal under section 73 of the Town and Country Planning Act 1990 and consider it accordingly.
-

4. The appellant has also made reference to an alternative proposal (application reference 15/4774) which was refused planning permission and was not subject to an appeal. The full details of that planning application are not before me and do not form part of this appeal.
5. The Council's decision notice refers to Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy - Submission Version which was published March 2014. However, this document has not been adopted at the present time. Furthermore, there is no evidence before me with respect to whether there are unresolved objections to Policies SE1 and SD2 which limits the weight that I can give to those policies. I have therefore determined this appeal principally on the basis of the saved policies of the Borough of Crewe and Nantwich Replacement Local Plan 2011, adopted February 2005, and the National Planning Policy Framework (the Framework).

Main Issue

6. The main issue is the effect that removing the condition would have on the character and appearance of the host property and the surrounding area.

Reasons

7. The appeal property consists of a two storey semi-detached house located in a corner position at the junction of Nessina Grove where it meets Brookland Avenue and Park Drive. The section of Nessina Grove where the property is located comprises four pairs of semi-detached properties on either side of the road that form an entrance to cul-de-sacs. A greater variety of two storey houses and bungalows are present within the cul-de-sacs, but have limited influence on the character of the host property and its surroundings. There is, however, a variation of property styles, heights and roof forms along Brookland Avenue and Park Drive that are visible from the appeal site.
8. The Borough of Crewe and Nantwich Extensions and Householder Development Supplementary Planning Document, adopted July 2008 (SPD) was prepared to guide the interpretation of policies in the Borough of Crewe and Nantwich Replacement Local Plan 2011. The SPD advises that the design and style of extensions should reflect the existing building. The guidance indicates that side extensions should be set back from the front elevation to appear subordinate, roof forms should reflect those used on the existing building, the eaves of two storey side extensions should line up with those of the existing house and that a lower ridgeline can help disguise any difference in tile colour and texture. In addition, the SPD advises that when looking at extending on a corner plot, consideration will need to be given, amongst other things, to existing building lines and neighbouring buildings, together with the character of the existing area.
9. The pairs of semi-detached properties at the entrance to Nessina Grove, including the appeal property, are consistent in terms of scale, massing and hipped roof forms. Consequently, the host property and those surrounding are characterised by their balanced height, scale and proportions with a rhythm and pattern of hipped roofs that are a distinctive feature on this section of Nessina Grove. This consistency is evident despite significant variation of materials and the building line of the semi-detached pairs on the southern side, including the appeal property, being staggered. Although there is an existing side extension to No 7, it is set back from the main build line with a set down

roof that ensures subservience to the primary hipped roof form and proportions of the semi-detached properties.

10. The approved plans relating to condition 2 of planning permission ref 14/1131N, included a roof design of the two storey extension consisting of a minimal set back of the front building line and slight reduction in the ridge height of the roof at the side. In addition, the two storey rear projection was set in from the side elevation, with a reduction of ridge height and demarcation of the associated roof. The resultant appearance of the extensions granted planning permission, therefore, would preserve the original hipped roof form of the property and the semi-detached pair, with subordinate roof forms of the extensions when viewed from the front and the side.
11. In contrast, the appeal proposal significantly expands the width of the ridge line and the original hipped roof form of the host property when viewed from the front and does not set in the roof form of the two storey rear projection when viewed from the side. Consequently, the two storey extension dominates the host dwelling by subsuming its modest roof proportions resulting in a large, bulky and insubordinate addition which also harmfully unbalances the semi-detached pair when viewed from Nessina Grove. The harmful effect is worsened by the prominent and dominant appearance of the extended property in a corner position when approached along Park Drive and viewed from Brookland Avenue at the side.
12. The minimal set back of the front building line of the two storey extension, the slight set in of the side wall of the rear projection of the extension, marginal alterations to the ridge and eaves heights of the roof and use of matching materials do not mitigate the harmful effect. It is acknowledged that the guidance in the SPD relating to side and rear extensions does not specifically preclude continuation of original roof forms. However, in the particular circumstances of the proposal before me such a design is harmful to the character and appearance of the host property, the pair of semi-detached dwellings and those surrounding.
13. In reaching the above findings, I have taken into account that there is a significant variation of property designs and styles in the surrounding area. However, these different forms of development do not justify a harmful disruption of the more consistent scale and proportions of properties at the entrance to Nessina Grove where the host property is located. The appellant also referred to a number of examples of existing extensions within the wider area that do not incorporate a reduction in the ridge height of the roof, including 8 Brookland Avenue nearby. However, I observed that the characteristics of those properties, extensions and the relationship to their surroundings are different to the proposal before me and therefore do not offer precedent for or justify the harm identified.
14. The appellant has expressed concern relating to the wording of the condition subject to this appeal. National Planning Practice Guidance¹ indicates that specifying the application drawings and other details which form part of the permission is best practice and creates certainty for all parties. Condition 2 of planning permission ref 14/1131N does not follow the best practice approach. Nevertheless, the Council have provided a copy of the approved plans which the appellant has confirmed are those relating to the condition subject to this

¹ Use of Planning Conditions, Paragraph: 022 Reference ID: 21a-022-20140306 Revision date: 06 03 2014

appeal. In such circumstances, the condition is not contrary to paragraph 206 of the Framework as it is necessary to make development acceptable, relevant to planning and the development permitted, enforceable and precise in relating to approved plans submitted with the application that are identifiable, and reasonable in all other respects.

15. I conclude that the proposal to remove the condition has an unacceptable and harmful effect on the character and appearance of the host property and the surrounding area. The proposal, therefore, conflicts with Saved Policy BE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and associated guidance in the SPD, in so far as the policy seeks a high standard of design, respect for the pattern, character and form of the surroundings and no adverse effect on the street scene by reason of scale, height, proportions or materials used. Although Saved Policy BE.2 predates the Framework it is consistent with its design objectives and therefore is given considerable weight.

Other Matters

16. The appellant has referred to a significant number of letters of support with some sample addresses provided. However, only a summary of comments have been included in the evidence before me, which I have taken into account, rather than full letters. In any case, letters of support for the proposal must be balanced with consideration of the planning merits of the proposal and do not outweigh the harm identified.
17. The appellant has indicated that the amended roof design has been pursued because the roof design which was granted planning permission would be more expensive. However, such matters relate to personal circumstances and preference that do not outweigh the harm identified.
18. The appellant has expressed concern in terms of the Council's approach in determining planning applications relating to the appeal site. However, those matters have no effect on the planning merits of the proposal before me or the outcome of this appeal.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR