

Appeal Decisions

Site visit made on 21 February 2017

by Tim Belcher FCII, LLB (Hons), Solicitor (Non-Practising)

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

Decision date: 1 March 2017

Appeal A Ref: APP/R0660/W/16/3156174

Lea Forge Trout Farm, Wybunbury, Nantwich, CW5 7LF

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 ("the 1990 Act") against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs R. Wiggins ("the Appellants") against Cheshire East Council ("the Council").
 - The application Ref 16/1432N is dated 22 March 2016.
 - The development proposed is alterations and additions to the dwelling.
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Appeal B Ref: APP/R0660/W/16/3156173

Lea Forge Trout Farm, Wybunbury, Nantwich, CW5 7LF

- The appeal is made under Section 78 of the 1990 Act against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by the Appellants against the Council.
 - The application Ref 16/1431N is dated 22 March 2016.
 - The development proposed is the erection of a two-storey extension.
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Procedural Matters – Both Appeals

1. It was confirmed that the correct postal address for the Appeal Site is that given in the Heading above.
2. In my Appeal Decisions I will refer to the dwelling-house at the Appeal Site as "the Dwelling".
3. The Dwelling is located within the open countryside.

Application for costs – Both Appeals

4. Applications for costs were made by the Appellants against the Council. These applications will be the subject of a separate Decision.

Relevant Background Matters

5. In September 2014 the Council issued a Certificate of Lawful Use or Development confirming the lawful residential status of the Dwelling.
6. In November 2015 a planning application was made for alterations and additions to the Dwelling.
7. In December 2015 the Council confirmed that prior approval was not required for a single-storey rear extension extending six metres beyond the rear wall of the Dwelling with a maximum height of four metres.
8. In February 2016 the Council:

- a) Refused the planning application submitted in November 2015 as the Council considered that the proposal was not subordinate to the Dwelling.
 - b) Certified that a single-storey pitched roof side extension to the Dwelling would be permitted development.
9. The refusal referred to in paragraph 8 a) above was appealed. The appeal was dismissed. The appeal Inspector found, amongst other things, that:
- a) The Dwelling is a modest sized modern property set into the adjacent hillside and at that time comprised a double garage at ground floor level with living accommodation above.
 - b) The Dwelling was of limited architectural merit.
 - c) The Appeal Site is in a remote location with no other residential properties nearby.
 - d) The proposal would result in more than doubling the overall size of the Dwelling.
 - e) The proposal would unacceptably erode the character and appearance of the Dwelling and consequently harm the character and appearance of the surrounding area.

Policy – Both Appeals

10. The Development Plan for the area includes the saved policies of the Borough of Crewe and Nantwich Replacement Local Plan ("the Local Plan").
11. I have been referred to:
- a) Saved policies RES11, BE1, BE2 & BE3 of the Local Plan.
 - b) Parts of the "Extensions and Householder Development" Supplementary Planning Document – July 2008 ("the SPD").
 - c) Parts¹ of the National Planning Policy Framework ("the NPPF").

Main Issue – Both Appeals

12. I consider the main issue is the effect of the proposals on the character and appearance of the Dwelling and the surrounding area.

Reasons – Both Appeals

13. The relevant parts of the saved policies of the Local Plan explain that:
- a) New development will be permitted provided specified criteria are met including achieving a high standard of design and wherever possible the enhancement of the built environment.
 - b) In relation to improvements and alterations to existing dwellings located within the open countryside the original dwelling must remain as the dominant element with the extension being subordinate to it.
 - c) It is important that the character of the original dwelling is maintained.

¹ Paragraphs 14, 17, 49, 55, 56, 58, 59, 60, 63, 186 & 187

- d) The extension must not result in the creation of a dwelling that is double, or more than double, the size of the original dwelling.
- e) Alterations and extensions should harmonise with the existing building.

Additions & Alterations Proposal – Appeal A

14. The Appellants have explained, amongst other things, what changes this proposal would result in. Those changes include, amongst other things,:

- a) The footprint of the resulting dwelling being the same as the scheme refused on appeal.
- b) An amended design to the roof of the resulting dwelling from a mansard style as proposed by the scheme refused on appeal to a gable roof (which reflects the existing style of the roof on the Dwelling). This change to the roof style would reduce the volume of the Dwelling resulting from the proposal from that which was proposed in the scheme refused on appeal.

15. The Appellants also explained that:

- a) The overall height of the Dwelling would not increase.
- b) The existing volume of the Dwelling equates to 404.55 cubic metres.
- c) The volume of the resulting dwelling in the scheme that was refused planning permission was 835.95 cubic metres i.e. an overall increase of 106.6%.
- d) The scheme now proposed would result in the Dwelling having a volume of 720.96 cubic metres i.e. an increase of 78.2% above the existing volume of the Dwelling.

16. It is clear from the figures provided by the Appellants that the proposed scheme would be subordinate, in terms of volume, to the Dwelling as it currently exists.

Two-storey Extension – Appeal B

17. The Appellants explained that:

- a) The volume of the two storey extension would be 172.96 cubic metres.
- b) The two storey extension would result in an increase of 42.75% above the existing volume of the Dwelling.
- c) The proposed two storey extension would be subordinate, in terms of volume, to the Dwelling as it currently exists.

Overall Assessment of Appeals A & B

18. The Council have not:

- a) Disputed any of the figures put forward by the Appellants.
- b) Explained why the proposals would result in extensions that are not subordinate to the Dwelling.
- c) Explained what harm (if any) would result from either of the proposals that are before me.

19. The two storey extension and the other additions and alterations would result in significant changes to the shape and appearance of the Dwelling as it now stands. However, there is no argument that the current shape or appearance of the Dwelling is of such quality that they need to be retained in their current form. As explained above the previous appeal Inspector found that the Dwelling is of limited architectural merit and I wholly agree with that assessment.
20. The increase in the volume of the Dwelling resulting from the proposals would be in accordance with the Local Plan as the size of the Dwelling (in terms of its volume) would not be doubled and the Dwelling would remain the dominant element.
21. The character of the Dwelling would remain unaltered in that the residential building that would result from either proposal would be a modern isolated residential building located within the open countryside.
22. I am also satisfied that:
 - a) Both proposals would harmonise with the Dwelling.
 - b) The Dwelling as amended by either of the proposals would result in an attractive and well-designed residential property. The appearance of the resulting building would be a positive improvement on that created by the Dwelling as it currently exists.

Conclusions – Both Appeals

23. I therefore conclude, for the reasons explained above, that
 - a) Both proposals would enhance the character or appearance of the Dwelling and the surrounding area.
 - b) Both proposals accord with the relevant parts of the Local Plan, the SPD and the NPPF.
 - c) Both appeals should be allowed.

Decision – Appeal A

24. The appeal is allowed and planning permission is granted for alterations and additions to the dwelling at Lea Forge Trout Farm, Wybunbury, Nantwich, CW5 7LF in accordance with the terms of the application, Ref 16/1432N dated 22 March 2016 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the alterations and additions hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details or samples.

Decision – Appeal B

25. The appeal is allowed and planning permission is granted for the erection of a two-storey extension at Lea Forge Trout Farm, Wybunbury, Nantwich, CW5 7LF in accordance with the terms of the application, Ref 16/1431N dated 22 March 2016 and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the two storey extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details or samples.

Tim Belcher

Inspector