
Appeal Decision

Site visit made on 7 November 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 17 November 2017

Appeal Ref: APP/R0660/D/17/3181204
24 High View, Mow Cop ST7 4YE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Grint against the decision of Cheshire East Council.
 - The application Ref 17/2231C, dated 27 April 2017, was refused by notice dated 20 June 2017.
 - The development proposed is a double garage and link extension to main dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt and therefore the main issues are:
 - i. The effect on the living conditions of the occupants of neighbouring residential properties with particular reference to outlook and light;
 - ii. Whether the proposal would be inappropriate development for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - iii. The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and
 - iv. If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

3. The appeal site is a detached dwelling with a detached single pitched roof garage situated at the head of a residential cul de sac. It is in the Green Belt. The current proposal is to demolish the existing garage and replace it with a larger double garage which would be connected to the main dwelling by a link building.

Living conditions

4. At my site visit I observed that No 9 The Mill has a living room window which faces towards the appeal site at close quarters. Although the appellant contends that the window in question does not have a direct relationship to the

proposal, given the close proximity and the significant additional bulk and massing of the proposed structure, and in particular the large blank gable end wall of the proposed garage, I consider that it would be a visually intrusive, highly prominent and dominant feature. The level of harm is such that it would be harmful to the living conditions of the occupant of that property.

5. Furthermore, given the additional significant massing of built form close to the living room window the proposal would be likely to reduce the levels of natural light to the habitable space. Due to the orientation of the proposal in relation to No 9 The Mill I do not consider that the level of sunlight is likely to be materially harmed to a degree that would warrant withholding permission in this particular case. I acknowledge that the living room is served by other windows; however, the harm caused to the quality of light through the closest window would be significant and harmful.
6. The front elevation of No 33 High View faces directly towards the appeal site and the proposal would reduce the separation between the principal elevation of No 33 and the gable end of the proposed garage. However, given the separation between the buildings and the difference in the levels I do not consider that the proposal would be unduly visually intrusive.
7. Consequently, on this matter I conclude that the proposal would have a harmful effect on the living conditions of the occupants of the neighbouring residential property No 9 The Mill with particular reference to outlook and light. As such it is contrary to Policy GR6 of the Congleton Borough Local Plan First Review January 2005 (the Local Plan) and the Framework. Among other objectives these seek to ensure that proposals do not have an unduly detrimental effect on other residential properties in terms of visual intrusion and daylight.

Inappropriate development

8. The Framework establishes that new buildings within the Green Belt are inappropriate unless, among other things, it involves the extension or alteration of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building.
9. Although the proposal would be of a larger scale and bulkier than the existing single storey pitched roof garage I do not find that it would be excessive or disproportionate to the original property. It would be subservient to the existing property and although its footprint is significantly larger than the original garage I find that it would not be disproportionate to size of the original building.
10. Consequently, I do not consider that the proposal represents inappropriate development in the Green Belt which would by definition be harmful to the Green Belt.

Openness, character and appearance

11. Openness is an essential characteristic of the Green Belt. The site is within an existing small residential estate where properties are closely related to one another. Given the immediate surroundings of the appeal site and the backdrop of other residential properties against which the proposal would be seen I do not consider that by increasing the footprint and massing of the

building, the proposal would have a materially harmful effect on openness in the context of the Green Belt location.

12. Moving onto general character and appearance, a quite different concept from the openness of the Green Belt, I consider that, in isolation, the overall design of the proposal is acceptable in terms of it reflecting the form and materiality of the host property and the residential estate more generally.
13. Therefore, I do not consider that the proposal would have a harmful effect on the openness of the Green Belt and on the character and appearance of the area and as such would be in accordance with Policy GR2 of the Local Plan and the Framework which among other objectives seeks to ensure that proposals are sympathetic to the appearance, character and form of the surrounding area.

Other considerations

14. Given my conclusion above that the proposal is not inappropriate development I do not consider it necessary for it to be demonstrated that there are other considerations so as to amount to very special circumstances necessary to outweigh the harm by way of inappropriateness.

Conclusions

15. Although the proposal is not inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and I have concluded that the proposal would not have a harmful effect on the openness of the Green Belt and on the character and appearance of the area I have concluded that it would have a harmful effect on the living conditions of the occupants of a neighbouring residential property. That is the prevailing consideration. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR