
Appeal Decision

Site visit made on 20 May 2019

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2019

Appeal Ref: APP/R0660/D/19/3222633

Ivernia, Hobcroft Lane, Mobberley, WA16 7QU

- 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 Ancell against the decision of Cheshire East Council.
 - The application Ref 18/6330M, dated 19 December 2018, was refused by notice dated 12 February 2019.
 - The development proposed is to extend the previously approved (18/2208M) extension by 1.55m to create a double garage and additional space upstairs.
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Decision

1. The appeal is allowed and planning permission is granted to extend the previously approved (18/2208M) extension by 1.55m to create a double garage and additional space upstairs at Ivernia, Hobcroft Lane, Mobberley, WA16 7QU in accordance with the terms of the application Ref 18/6330M, dated 19 December 2018, subject to the following conditions.
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 1001; 1002; and 1003.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. This appeal decision rests on whether the proposed extension would amount to inappropriate development within the Green Belt. In that regard, the amount of existing and proposed additional floorspace over and above the floorspace of the original dwelling is fundamental to my assessment.
3. Given the conflicting evidence and following my site visit, I sought further information from the parties in a bid to establish an agreed figure. However, that conflict remains. More recently, I was also provided with further evidence (submitted by the appellants) giving detailed floorspace calculations. I had not specifically requested this information, but as that submission has been brought to my attention, I have taken it into account. The Council was given the opportunity to comment and I have considered its response in reaching my decision.

Main Issue

4. The main issue is:

- Whether the appeal development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework 2019 (the Framework) and Development Plan Policy.

Reasons

5. The appeal dwelling is a semi-detached dwelling with a basement, which is situated on a relatively large and spacious corner plot in open countryside and within the Green Belt. Despite the presence of mature trees and boundary hedging, the property is visually prominent when viewed from both Hobcroft Lane and Church Lane.
6. Planning permission was granted by the Council on 23 October 2018 (reference 18/6330/M) to demolish an existing single storey kitchen and garage at the rear of the property and to construct a new part single/part two storey extension as a replacement. I observed at my site visit that work on the new extension is underway.
7. The appeal proposal is to enlarge that approved extension, by another 1.55m in length, in order to provide a double garage on the ground floor and an en-suite bathroom within the roof space. The appeal extension would bring the resultant building closer to Hobcroft Lane.
8. Policy PG 3 of the adopted Cheshire East Local Plan Strategy 2010-2030 (LPS) states (amongst other things) that the construction of new buildings is inappropriate within the Green Belt. Exceptions to this include the extension or alteration of a building, provided that does not result in disproportionate additions over and above the size of the original building. This policy accords with paragraph 145 c) of the National Planning Policy Framework (the Framework).
9. Neither the LPS nor the Framework provide further detail on the term 'disproportionate additions'. However, Saved Policy GC12 of the Macclesfield Borough Local Plan (LP) states that alterations and extensions to existing houses in 'the countryside' may be granted for up to 30% of the original floorspace, provided the scale and appearance of the house is not significantly altered. Although this policy does not specifically refer to the Green Belt, Policy CG1 of the LP (which seeks to restrict new buildings in the Green Belt) refers to Policy GC12. Consequently, I consider that any alterations or extensions that would exceed 30% of the original floorspace would be disproportionate in the context of both the Development Plan and the Framework and would, therefore, amount to inappropriate development within the Green Belt.
10. The evidence before me is conflicting and despite a request for clarification from both parties, that conflict remains. The Council contends that the 30% figure has already been exceeded and that the additional floorspace over and above the original dwelling would amount to 35.5%. It also states that extension approved under 18/6330/M was amended, because the 30% figure would have been exceeded. In addition, the Council points to an increase in volume and the resultant effect on the openness of the Green Belt. The appellants have also submitted volume calculations. However, a volume calculation is not required as part of Policy GC12. Furthermore, the Council

states that the appellants' calculations include the garage, which it contends was not part of the original dwelling.

11. The appellants consider the figure to be under 30% (at some 23%, according to the latest evidence). In addition, the appellants' appeal statement refers to a 'fallback' position that would result in a 42% increase in the footprint of the building. However, no further details have been provided on this matter and, therefore, I cannot attribute any weight to the suggestion.
12. Given the conflicting evidence between the appellants and the Council, I consider the matter to be finely balanced. However, I find that the detailed calculations, provided more recently by the appellants, are persuasive and demonstrate that there would not be a disproportionate increase in terms of floorspace over and above the original dwelling, notwithstanding the matter of the floorspace of the previous garage.
13. Consequently, I consider that the appeal proposal would not be inappropriate development within the Green Belt. In addition, the proposed extension would be a relatively minor structure and it would not have an adverse effect on the dwelling in terms of its scale and appearance. Accordingly, the proposal would not conflict with Policy CG12 of the LP or with the Framework.
14. Given my conclusion on this issue, there is no requirement to assess the impact of the development on the openness of the Green Belt.

Other Matters

15. The Council has considered that the proposed extension would be acceptable in terms of its architectural design and that it would not have any adverse effects on the amenities of the occupants of the neighbouring property. I have no substantive reason to disagree with the Council's conclusions on these matters.

Conditions

16. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance and paragraph 55 of the Framework. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. A condition relating to materials is appropriate in the interests of the character and appearance of the area.

Conclusion

17. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR