



Appeal Decision

Site visit made on 10 September 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2019

Appeal Ref: APP/R0660/W/19/3228598

1 Lower Hall Bungalow, Badcocks Lane, Spurstow, Tarporley CW6 9RR

- 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 & Mrs Overy against the decision of Cheshire East Council.
 - The application Ref 19/0270N, dated 17 January 2019, was refused by notice dated 21 March 2019.
 - The development proposed is the demolition of the existing three bedroom bungalow and replacement with a new two-storey, four bedroom dormered house and detached single garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is in a suitable location for housing, with particular regard to the effect on the character and appearance of the area.

Reasons

3. The existing bungalow is located within the open countryside adjacent to another bungalow of similar size and appearance. The prevailing character of the area is rural consisting of agricultural farm land, narrow country roads and hedgerows. The modest scale and height of the existing bungalow combined with its surrounding garden contribute to maintaining the open rural character and appearance of the area.
4. Policy PG6 of the Cheshire East Local Plan Strategy 2017 (the CELPS) and saved Policy RES10 of the Crewe and Nantwich Local Plan 2005 (the CNLP) prevent inappropriate forms of development in the open countryside, to ensure sustainable forms of development which protect its character, allowing for a limited number of exceptions which include replacement dwellings which are not materially larger. The saved proposals map contained in the CNLP identifies the appeal site as within the open countryside, and these policy constraints apply.
5. The submitted evidence shows that the replacement dwelling would be substantially larger, more than doubling the floor space and the overall volume of the existing bungalow and increasing the overall height from 4.5 to 7.4 metres. The scale and height of the resultant dwelling would become a prominent feature which would be harmful to the open character of the area

and would not contribute towards the preservation of the character and aesthetic qualities of the open countryside under Policy PG6 of the CELPS and saved Policy RES10 of the CNLP.

6. I have considered the appellants' submission in relation to saved Policy RES10 of the CNLP, and that the potential volume that could be achieved by extending the existing bungalow under permitted development rights, as a 'fallback' position should be considered. The design and access statement outlined two possible extensions. However, the first option would include an 8 metre rear extension which would require prior approval before benefiting from permitted development rights. There is no evidence that this has occurred, and I cannot be certain that such a prior approval would be granted, therefore it cannot be used for interpreting Policy RES10 in this respect. The second extension would result in an overall volume significantly less than that of the proposed replacement dwelling, which would therefore be materially larger under Policy RES10 of the CNLP.
7. Consequently, the proposal would be an inappropriate form of development in the open countryside having regard to its scale and height which would be significantly greater than that of the existing dwelling. The dwelling would not accord with Policy PG6 of the CELPS Policy and Policy RES10 of the CNLP which collectively seek to ensure new development does not cause harm to and preserves the character and appearance of the open countryside.

Other Matters

8. I have considered the appellants' submission in relation to the scale of other buildings in the area, that the proposal makes efficient use of the site, the design and the measures taken to keep the overall height as low as possible. Also, that the increase in width would be slight, and the majority of the increased footprint would be towards the rear. However, these matters do not alter my findings on the overall harm which I have identified above.
9. I have taken account of the appellants' personal circumstances with regards to the need for a modern 4 bedroom family home, which would be more energy efficient than the existing bungalow. These are minor benefits which do not outweigh the harm that I have identified.
10. I have also considered the appellants' submission in relation to the replacement dwelling at Fields Farm, and its subsequent extension granted permission by the Council. I have not been provided the full details of this case and, as such, I can attach little weight to it in my decision. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.

Conclusion

11. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR