
Appeal Decision

Site visit made on 2 December 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 17 December 2019

Appeal Ref: APP/R0660/D/19/3237311

37, Bollin Hill, Wilmslow, SK9 4AN

- 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 Fiona Ogborn and Angela Giles against the decision of Cheshire East Council.
 - The application Ref 19/3149M, dated 1 July 2019, was refused by notice dated 30 August 2019.
 - The development proposed is erection of a single storey side extension, two storey rear extension, external alterations, loft conversion, and alterations to existing dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The appellant submitted an amended plan, for a slightly smaller scheme, to the Council during the application process. The plan is not referred to in the officer's report or decision notice and I cannot be certain that it was taken into account in the decision-making process. Moreover, I cannot be sure that neighbouring residents were notified and given the opportunity to comment on it. For these reasons, in the interests of fairness, I have determined the appeal on the basis of the plans as originally submitted and on which the Council based its decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of 37 Bollin Hill, and whether it would preserve or enhance the character or appearance of the Bollin Hill Conservation Area.

Reasons

5. The appeal site is located within the Bollin Hill Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Bollin Hill Conservation Area is

- characterised by individually designed large detached dwellings in landscaped grounds. The fact that the dwellings were designed by a named architect and have a consistent style and character contributes positively to the significance of the heritage asset.
6. 37 Bollin Hill, also known as Timbercombe, is a detached two-storey dwelling in substantial grounds. The dwelling is characterised by its Arts and Crafts style, its narrow plan form and steeply sloping hipped roof. It is constructed of brick with stone slate to the roof. The building, designed by the same architect as others in the vicinity, which appears to be largely unaltered, makes a positive contribution to the character, appearance, and significance of the Conservation Area.
 7. There is a dispute between the parties as to the scale of the proposed development. However, even on the basis of the appellant's calculation of 63.5%, the proposal would represent a sizeable increase in the floorspace of the dwelling. In addition, the footprint of the building would be increased significantly. Accordingly, the proposal would not represent a subservient addition to the property. Moreover, the proposed extensions would create a building of a bulky form and massing, with a flat roofed central section, at odds with the roof form and proportions of the original building. Accordingly, as a result of the proposal, the original form and massing of the dwelling would become illegible. In addition, the relatively simply designed rear elevation would be replaced by one with a more visually assertive design which would include three substantial gables to the roof. Consequently, these matters taken together, the proposal would detract from the character and appearance of the dwelling.
 8. I acknowledge that the extended building would not dominate its plot, but for the above reasons, it would dominate the existing property. I also acknowledge that the building, which is set in wooded grounds at an angle to the road, is largely screened from view from public vantage points. Nevertheless, the Framework is clear that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets. As the building presently makes a positive contribution to the significance of the asset, and the proposal would cause harm to that significance for the reasons set out, so it would neither sustain or enhance the significance of the conservation area despite not being readily visible.
 9. The appellant states that should this appeal be dismissed then the property could be extended to the rear under permitted development rights, which although single storey, would increase the volume and footprint of the dwelling. However, it seems to me that an extension of the size suggested would require prior approval under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. I am not aware that such an application has been made and nor am I aware that a Certificate of Lawfulness has been granted for such development. Moreover, the development would not provide comparable accommodation to the appeal proposal and thereby the matter carries little weight in favour of the scheme.
 10. Several examples of extensions of nearby properties have been submitted with the appeal. However, the full details of each case have not been provided and therefore I cannot be certain that they, or the policy context in which they

were approved, are directly comparable to the appeal proposal. In any event, this appeal has been determined on its own merits.

11. For the above reasons the proposal would neither preserve nor enhance the character or appearance of the Bollin Hill Conservation Area and as such would be contrary to the weighty requirements of the Act. In addition, the proposal would conflict with the saved policies SD1, SE1 and SE7 of the Cheshire East Local Plan Strategy (2010- 2030) which seek to prevent harm to heritage assets, ensure that development is appropriate in its context and protects and enhances the character of the area.
12. The works would affect only part of the conservation area and therefore in terms of the Framework the harm caused to its significance would be less than substantial. The approach in paragraph 196 of the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
13. Although there are limited details before me, I acknowledge the difficulty the appellants have had in attempting to sell the property. I accept that the proposed extensions would undoubtedly upgrade the property and provide a modern standard of accommodation which would assist in securing the long-term conservation of the building. However, there is no convincing reason why a similar benefit could not be achieved from a more sympathetic form of development which would preserve the significance of the heritage asset. This limits the weight I give to the matter as a public benefit of the scheme.
14. As such, any public benefits are insufficient to outweigh the harm identified, which given the requirement of the Act and advice in Paragraph 193 of the Framework, carry great weight.

Conclusion and Recommendation

15. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR