



Appeal Decisions

Site visit made on 27 January 2020

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal A Ref: APP/R0660/D/19/3240644

Rocks Barn, Mudhurst Lane, Higher Disley, Cheshire SK12 2AN

- 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 Paul Bennett against the decision of Cheshire East Council.
 - The application Ref 19/3136M, dated 26 June 2019, was refused by notice dated 28 August 2019.
 - The development proposed is *'first floor bedroom extension, single storey conservatory, single storey side extension and alterations to windows and roof-lights'*.
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Appeal B Ref: APP/R0660/D/19/3240649

Rocks Barn, Mudhurst Lane, Higher Disley, Cheshire SK12 2AN

- 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 Paul Bennett against the decision of Cheshire East Council.
 - The application Ref 19/3173M, dated 26 June 2019, was refused by notice dated 28 August 2019.
 - The development proposed is *'single storey conservatory extension, single storey side extension and alterations to windows and roof-lights'*.
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Decisions

Appeal A

1. The appeal is dismissed insofar as it relates to the proposed first floor bedroom extension, single storey conservatory extension and alterations to windows and a door on the western side elevation of the existing building.
2. The appeal is allowed and planning permission is granted insofar as it relates to a single storey side extension to the eastern side elevation and alterations to windows and rooflights on the existing front, rear and eastern side elevations of Rocks Barn, Mudhurst Lane, Higher Disley, Cheshire SK12 2AN in accordance with the terms of the application, Ref 19/3136M, dated 26 June 2019, and the plans submitted with it insofar as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, insofar as it relates to the single storey side extension (eastern side elevation) and alterations to windows and rooflights on the front, rear and eastern side elevations only, shall be

carried out in accordance with the approved plans listed in the schedule of plans submitted with application Ref: 19/3136M.

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal B

3. The appeal is dismissed insofar as it relates to the proposed single storey conservatory extension, addition of rooflights and alterations to existing windows and a door on the western side elevation of the existing building.
4. The appeal is allowed and planning permission is granted insofar as it relates to a single storey side extension to the eastern side elevation and alterations to windows and rooflights on the existing front, rear and eastern side elevations of Rocks Barn, Mudhurst Lane, Higher Disley, Cheshire SK12 2AN in accordance with the terms of the application, Ref 19/3173M, dated 26 June 2019, and the plans submitted with it insofar as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, insofar as it relates to the single storey side extension (eastern side elevation) and alterations to windows and rooflights on the front, rear and eastern side elevations only, shall be carried out in accordance with the approved plans listed in the schedule of plans submitted with application Ref 19/3173M.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

5. There are two appeals on this site. The descriptions of development provided by the application forms for both Appeal A and Appeal B have been updated by subsequent documents. I have broadly adopted the descriptions given by the appeal forms accordingly, albeit with some necessary modifications within the decision section in the interest of certainty of the elements of the proposal to which I refer.
6. Appeal A and Appeal B relate to extensions to an existing barn with Appeal A including a first-floor bedroom extension whilst both Appeal A and Appeal B include a conservatory extension, single storey side extension and alterations to windows and roof-lights. Therefore, in order to reduce duplication, I have dealt with the two schemes together except where otherwise indicated.

Main Issues

7. The main issues for both Appeals A and B are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to relevant development plan policies and the National Planning Policy Framework (the Framework), and;
 - The effect on the character and appearance of the area.

Reasons

Whether the proposals would be inappropriate development

8. The appeal property consists of a detached stone barn that has previously been converted into a dwelling and lies in the Green Belt within a countryside location. The site is accessed via a narrow track from Mudhurst Lane, with a separate driveway from the track also serving the neighbouring Rocks Farm. The building has an existing single storey lean-to on its western side and single storey front and rear projecting elements with distinctive catslide roof designs. The main roof of the building includes rooflights at the front and rear.
9. Policy PG3 of the Cheshire East Local Plan Strategy 2010 - 2030 (CE-LP), adopted July 2017, states that the construction of new buildings should be regarded as inappropriate in Green Belt, unless it falls within certain listed exceptions. The listed exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy PG3 is consistent with paragraph 145 of the Framework and its exception c) in that respect.
10. The Framework does not provide a specific definition of what would constitute a disproportionate addition over and above the size of the original building and, therefore, it is a matter of judgement for the decision maker in the context of any relevant development plan policy or guidance. In that regard, Saved Policy GC12 of the Macclesfield Borough Local Plan (MB-LP), adopted January 2004, indicates that alterations and extensions to existing houses in the countryside may be granted for up to 30% of the original floor space providing the scale and appearance of the house is not significantly altered.
11. The policy wording of Saved Policy GC12 of the MB-LP does not specifically refer to Green Belt, although the associated reasoning implies that it includes those parts of the countryside. Furthermore, there are criteria and exceptions within the policy that relate more closely to matters of character and appearance than the assessment required by Policy PG3 of the CE-LP and paragraph 145 of the Framework. Nonetheless, in the absence of any other guidance or up-to-date policy relating to what would constitute a disproportionate addition, I consider that the threshold of no more than 30% larger in floor space than the original building is a reasonable definition for such an assessment.
12. Having regard to the above, it is common ground between the main parties that the existing barn has a floorspace of around 202 sq.m. Although I observed the presence of lean-to sections of the building, there is no indication that they should not form part of the calculation of the floorspace of the original building. On the basis of the evidence before me and my own observations, I, therefore, take the 202 sq.m figure as the floorspace of the original building for the purposes of my assessment.
13. The proposal in Appeal A is to construct a first-floor side extension above the existing lean-to and an additional conservatory to the western side of the building, together with a single storey extension to the eastern side and changes to existing front rooflights, addition of rear rooflights and alterations to existing windows and doors. Based upon the evidence before me, the proposal would result in an additional 58 sq.m of floorspace or a 29% increase relative to the original building. As such an addition would fall below the threshold of no

more than 30% larger in floorspace than the original building. I am, therefore, satisfied that the Appeal A proposal would not result in a disproportionate addition and would fall within the relevant exceptions of Policy PG3 of the CE-LP and paragraph 145 of the Framework.

14. The proposal in Appeal B is an alternative to Appeal A and consists of a conservatory to the western side of the building, a single storey extension to the eastern side, together with alterations and addition of rooflights, and alterations to existing windows and doors. Based upon the evidence before me, the proposal in Appeal B would result in an additional 35 sq.m of floorspace or a 17% increase relative to the floorspace of the original building. As such an addition would fall below the aforementioned threshold of no more than 30% larger in floorspace than the original building, the Appeal B proposal would not result in a disproportionate addition and would fall within the relevant exceptions of Policy PG3 of the CE-LP and paragraph 145 of the Framework.
15. The effect upon the openness of the Green Belt of an extension to or alteration of a building that does not result in a disproportionate addition over and above the size of the original building is implicitly taken into account in the exception at part c) of paragraph 145 of the Framework. Consequently, given my findings that the proposed developments subject of Appeal A and Appeal B would accord with that exception, it is not necessary that I separately assess their impact upon the openness of the Green Belt. I am also satisfied that the siting and proportions of the extensions and alterations proposed in both Appeal A and Appeal B would not harm the other purposes of the Green Belt listed in paragraph 134 of the Framework.
16. I conclude that the proposals subject to Appeals A and B are not inappropriate development in the Green Belt when having regard to the Framework and Policy PG3 of CE-LP and Saved Policy GC12 of the MB-LP, as the proposals in both Appeal A and Appeal B respectively, would not result in a disproportionate addition over and above the size of the original building.
17. As I have found that the proposals are not inappropriate development in Green Belt and no other harm has been identified in Green Belt terms, it is not necessary to consider whether there are other considerations in favour of Appeal A or Appeal B which would amount to very special circumstances. The Council's concerns in relation to the scale, design and siting of the extensions and alterations are necessarily considered in the subsequent main issue.

Character and appearance

18. The appeal site is located within an Area of Special County Value and the building sits in a largely open and upward sloping landscape when viewed at distance from Mudhurst Lane. From those perspectives it forms part of a small group of buildings which include a detached double garage and portal framed agricultural building within the appeal site, and the adjacent Rocks Farm.
19. The typical utilitarian nature of the former barn has been eroded to some degree by the previous conversion, which included insertion of rooflights and large glazed windows at the entrance on the front elevation and within the outrigger on the western side. Nonetheless, the building retains an uncomplicated form and profile which reflects its traditional rural appearance and previous function as an agricultural building.

Appeal A

20. The Appeal A proposal would replace the existing roof of the single storey side outrigger on the western gable end with a first-floor extension. The resultant two-storey form would seek to harmonise with the existing building by continuing the existing ridge and eaves height of the roof. The proposed extension in that respect would maintain the distinctive gable profile of the western elevation of the building in an elevated position when approaching along the track and steep driveway and when viewed at distance from Mudhurst Lane against the backdrop of the hillside. The asymmetrical front projections of the existing bays on the front elevation also offer a potential opportunity for an appropriate extension with matching materials on the western side when viewed from the south, given that the resultant offset position of the glazed entrance on the front elevation would not be viewed as an atypical feature of a converted rural building.
21. Notwithstanding the above, the extension on the western side also includes the addition of a conservatory at the side of the existing front bay and at the front of the existing side outrigger. The addition of the predominantly glazed structure would introduce a conspicuous modern feature in a visually prominent position when viewed from public vantage points to the west and at distance from buildings to the south. The extent of glazing and its contrasting roof profile relative to the extended side outrigger would result in the conservatory being viewed as an incompatible and incongruous addition that would significantly harm the traditional character and appearance of the rural building in its countryside setting.
22. The harm would be worsened by associated changes to existing windows and door openings on the western elevation which would further erode the traditional rural appearance of the former barn. I, therefore, consider that, when taken together, the first-floor extension and conservatory as proposed and associated alterations on the western side elevation would significantly harm the character and appearance of the existing building and the area.
23. I conclude that the Appeal A proposal insofar as it relates to the first floor bedroom extension, single storey conservatory and alterations to windows and a door on the western side elevation would significantly harm the character and appearance of the host building and the area. The proposal in those respects would, therefore, conflict with Policies SE1 and SD2 of the CE-LP and Saved Policy GC12 of the MB-LP. The policies, amongst other things, expect that all development contributes positively to an area's character, identity, appearance, sense of place and local distinctiveness, including in terms of height, scale, materials and design features, and that the proposal would not adversely affect the character and appearance of the countryside. The policies are consistent with the design objectives of the Framework and insofar as it seeks that the intrinsic character and beauty of the countryside is recognised.
24. The proposed single storey side extension to the eastern elevation in Appeal A is severable from the above elements and would expand the building in existing space between a dry-stone retaining wall separating an upward sloping side garden area. The pitched roof design of the extension with limited width and lowered ridge and eaves heights in a set back position from the front building line would result in a modest addition of built form with proportions that would be subservient to the character and appearance of the existing building.

25. The proposal also includes additions and alterations to the position of windows on the eastern side elevation and rooflights in the front and rear elevations of the roof which would not compromise the rural character of the building and its overall form. In fact, the alterations to rooflights on the existing front roofslope would provide a more complementary rhythm and harmony of positions within the roof. Those parts of the proposal are also severable from the harmful elements of the extensions and alterations to the western side of the building.
26. When having regard to the above and taking into account that matching materials for the extension could be secured by condition and that the rooflights and fenestration would harmonise with those close by. I conclude that the single storey extension on the eastern side and alterations to windows and rooflights on the existing front, rear and eastern side elevations in Appeal A would be acceptable with respect to its effect on the character and appearance of the host property and the surrounding area. Those elements of the proposal, therefore, would not conflict with Policies SE1 and SD2 of the CE-LP, Saved Policy GC12 of the MB-LP or the Framework.

Appeal B

27. The proposal in Appeal B differs from the development proposed in Appeal A through the omission of a first-floor extension to the western side. As an alternative, the proposal includes an enlarged window at first floor level with resultant alterations which would lower a section of the ridge of the roof of the existing single storey side outrigger on the western side of the building. The resultant relationship between the first-floor window and the outrigger would appear awkward and incompatible on the prominent western elevation when viewed from Mudhurst Lane and on the approach along the steep driveway.
28. The harmful effect of the proposal on the character and appearance of the existing building and the rural area would be worsened by the inclusion of a single storey conservatory at the side of the existing front bay and at the front of the existing side outrigger. The design of the conservatory would be similar as in Appeal A and as per my previous findings in that respect, the addition of such a glazed structure would introduce an overly dominant and modern feature in a visually prominent position when viewed from public vantage points to the west and at distance from properties to the south. As such, the proposed conservatory would be viewed as an incompatible and incongruous addition that would significantly harm the traditional character and appearance of the rural property in its countryside setting. The harmful effect when viewed from the west would be exacerbated by a disharmonious relationship between the roof forms of the outrigger and conservatory, and the enlargement of an existing window and door on the existing western elevation to larger windows.
29. I conclude that the Appeal B proposal insofar as it relates to the proposed single storey conservatory and alterations to windows, a door and addition of rooflights on the western side elevation would significantly harm the character and appearance of the host property and the surrounding area. The proposal in those respects would, therefore, conflict with Policies SE1 and SD2 of the CE-LP and Saved Policy GC12 of the MB-LP and the Framework.
30. The single storey side extension to the eastern side in Appeal B is severable from the above elements and similarly to the proposal in Appeal A would expand the building in existing space between an existing dry-stone retaining wall that separates an upward sloping side garden area. As per my findings in

Appeal A, the pitched roof design of the extension with limited width and lowered ridge and eaves heights in a set back position from the front building line would result in a modest addition of built form with proportions that would be subservient to the character and appearance of the existing building.

31. The proposal in Appeal B also includes additions and alterations to the position of windows on the eastern side elevation and rooflights in the front and rear roofslopes which would not compromise the rural character of the building. The alterations to rooflights on the existing front roofslope would introduce an improved rhythm and harmony of their position within the roof and would not undermine its overall form. Those parts of the proposal are also severable from the harmful elements of the extensions and alterations to the western side of the building.
32. When having regard to the above and taking into account that matching materials for the extension could be secured by condition and that the proposed rooflights and fenestration would harmonise with those close by. I conclude that the single storey extension on the eastern side of the building and alterations to windows and rooflights on the existing front, rear and eastern side elevations in Appeal B would be acceptable with respect to the effect on the character and appearance of the host building and the surrounding area. Those elements of the proposal, therefore, would not conflict with Policies SE1 and SD2 of the CE-LP and Saved Policy GC12 of the MB-LP.

Other Matters

33. The existing access would remain unaltered and it offers safe and suitable arrangements to serve the existing residential use. Furthermore, the site is well served by off street parking provision including in an existing detached garage building which would be unaffected by the proposal. In addition, the separation distance from the dwelling to neighbouring properties is sufficient to ensure no adverse impact upon the living conditions and living environment of their respective occupiers, given that there are already rooflights that face towards the neighbouring Rocks Farm and the extensions and alterations proposed would be no closer. However, the absence of concern in those respects is a neutral factor that does not weigh in favour of the elements of the proposal where I have otherwise identified harm.

Conditions

34. The Council provided a suggested list of conditions relating to the development as a whole in both Appeals A and B. Of those which are relevant to the single storey extension on the eastern side and alterations to windows and rooflights on the existing front, rear and eastern side elevations, I have specified the time limit of the development, approved plans and the relevant parts of the development to which they relate to provide certainty in terms of the planning permissions granted. I have also included a requirement for matching materials in the interest of a satisfactory character and appearance of the extensions relative to the existing building.

Conclusion

35. In terms of Appeal A, for the reasons given above, I conclude that the appeal should be allowed and planning permission granted insofar as it relates to a single storey side extension to the eastern side elevation and alterations to

windows and rooflights on the existing front, rear and eastern side elevations of Rocks Barn, but dismissed and planning permission refused insofar as it relates to the proposed first floor bedroom extension, single storey conservatory and alterations to existing windows and a door on the western side elevation of the existing building. The respective parts of the development are clearly severable.

36. In terms of Appeal B, for the reasons given above, I conclude that the appeal should be allowed and planning permission granted insofar as it relates to a single storey side extension to the eastern side elevation and alterations to windows and rooflights on the existing front, rear and eastern side elevations of Rocks Barn, but dismissed and planning permission refused insofar as it relates to the proposed single storey conservatory and alterations to existing windows and a door on the western side elevation of the existing building. The respective parts of the development are clearly severable.

Gareth Wildgoose

INSPECTOR