
Appeal Decision

Site visit made on 27 February 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/R0660/D/19/3243118

Beech Tree Cottage, Long Shoot Road, Lower Withington SK11 9DX

- 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 Alex Hurst against the decision of Cheshire East Council.
 - The application Ref 19/4288M, dated 12 September 2019, was refused by notice dated 13 November 2019.
 - The development proposed is described as "replacement of conservatory and porch and new 2000mm high wall to front boundary"
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There appears to be some confusion as to whether or not the site lies within the Green Belt or not. A single sentence in the Officer's report clearly states that "the application site is located in the Green Belt on the western side of Long Shoot Road". However, no policies or assessment relating to the Green Belt are referred to in the report and the Appellant has submitted emails from the Council that state that the appeal site is not in the Green Belt.
3. I have not been provided with a plan showing the extend of the Green Belt in the area but the absence of any assessment of the effect of the proposed development on the Green Belt and the absence of any reference to Green Belt specific policies suggests, on the balance of probabilities, I have concluded that the site is not in the Green Belt and I have assessed the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The site lies within the open countryside. Policy PG6 of the Cheshire East Local Plan (2017) seeks to restrict development in the open countryside to that which is essential for agriculture, forestry and essential infrastructure, subject to a number of exceptions including: extensions to existing dwellings where the extension is not disproportionate to the original dwelling.
6. Furthermore, Saved Policy GC12 of the Macclesfield Borough Local Plan (2004) seeks to restrict alterations and extensions to existing houses in the

- countryside to up to 30% of the original floor space provided that the scale and appearance of the house is not significantly altered.
7. The Officer's Report states that 'original' means for a building built on or after 1st July 1948 'as existing on that date' and for a building built on or after 1st July 1948 'as so built'.
 8. The Decision notice identifies that "the proposed extension would result in an approximately 123.2% increase in the floor space of the original building" and it is the Council's case that this is disproportionate to the original building and would consequently harm the character and appearance of the area.
 9. The Appellant details that the proposed development would result in an approximately 4.7% increase in floor space of the existing dwelling, while acknowledging that "extensions to the original property over the years have been extensive".
 10. The submitted plans show that the proposed development would replace the existing conservatory, an extension specifically allowed by saved policy GC12, with a large tiled roof extension.
 11. Therefore, based on the evidence before me I find that the proposed development, in accumulation with other extensions, is disproportionate to the original dwelling thereby harming the character and appearance of the area contrary to Policy PG6 of the Cheshire East Local Plan and saved policy GC12 Macclesfield Borough Local Plan.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR