



Appeal Decision

Site visit made on 19 June 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2020

Appeal Ref: APP/R0660/D/20/3251258

Oakwood Farm, Oakwood Lane, Moston, Sandbach, Cheshire CW11 3PR

- 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 David Thorp against the decision of Cheshire East Council.
 - The application Ref 20/0183C, dated 14 January 2020, was refused by notice dated 7 April 2020.
 - The development proposed is the "removal of existing concrete/asbestos garage and replace with new conservatory to rear of house and small link to connect house to outbuilding to contain a sensory room".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the host property and surrounding area.

Reasons

Character and appearance

3. The host property is detached and located in a row of properties which vary in size and design set within an attractive verdant landscape where agricultural fields dominate views. Therefore, it is within an open countryside location.
4. I note the Council's objections relate to the proposed conservatory therefore my decision is focused on that aspect.
5. The conservatory would measure some 9m by 7.2m in footprint which would result in a substantial structure despite it being single storey. The property has been previously extended. The Council calculated that cumulatively the proposed extension would increase the original volume of the property by approximately 122%. The figure is well in excess of the 30% volume enlargement guidance Policy H16 of the Cheshire East Local Plan Strategy 2010-2030 (CELPS) advocates for properties which are located within the open countryside. I also note the explanatory text to the policy specifies it is not a rigid standard and the relationship of the proposed structure and the dwelling will also be of importance.
6. The resultant increase in built development, in combination with the previous extensions, would have an urbanising effect and further erode from the

character of the site and street-scene. The conservatory would add considerable ground floor mass and bulk to the rear elevation of the host dwelling, which is presently uncluttered and visible from the road. Whilst referred to as the rear elevation within the appeal plans it has a noticeable door entrance and the appearance of a principal elevation. As a result, the presence of the conservatory would be unsympathetic to the prevailing proportions and uncluttered attractiveness of the dwelling if added to this elevation.

7. I conclude the proposed conservatory would be harmful to the character and appearance of the dwelling and locality. The development conflicts with CELPS with respect to policy SE1 which seeks that development makes a positive contribution to its surroundings and policy PG6 Section 3 subpoint 3 which does not support extensions that are not disproportionate to the original dwelling. It conflicts with Congleton Borough Local Plan First Review (2005) Policies: PS8 and H16 point ii) which requires that extensions are not disproportionate to the original dwelling and not result in a significant detrimental effect on the character or identity of the original dwelling; Policy GR2 which requires the proposal is sympathetic to the character of the area. As well as Policy LCD1 of the Moston Neighbourhood Plan which seeks that building design is reflective of the character, and Paragraph 127 (a) of the National Planning Policy Framework which advises that the development should add to the overall quality of an area.

Other Matters

8. I note the conservatory is needed to help with caring for family members with disabilities. In considering those circumstances as part of my assessment, I am required to have due regard to the Public Sector Equality Duty under s.149 of the Equality Act 2010 (the Duty), which specifically protects characteristics such as disability. Whilst I appreciate that the conservatory would add space to the dwelling, there is no substantive evidence before me to suggest that the existing accommodation is inadequate for the needs that have been detailed. Therefore, this matter does not outweigh the long-term harm that I have identified above.
9. I also appreciate allowing the development may allow economic opportunities for several trades involved in the works, and that demolition of the existing garage would be a visual improvement. However, those advantages do not outweigh my concerns to the proposal.
10. Moreover, I acknowledge the appellants suggestion that the Council's case officer's recommendation appears to have been altered leading to a different outcome, but I must determine the appeal on the proposal before me rather than alleged behaviour of the Council.

Conclusion

11. For the above reasons I dismiss the appeal.

M Shrigley

INSPECTOR