
Appeal Decision

Site visit made on 6 July 2020

by D Hartley BA (Hons) MTP MBA MRTPI

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

Decision date: 8 July 2020

Appeal Ref: APP/R0660/D/20/3252475

The Cottage, Ashley Road, Ashley WA15 0QP

- 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 James Leach against the decision of Cheshire East Council.
 - The application Ref 19/5028M, dated 29 October 2019, was refused by notice dated 28 February 2020.
 - The development proposed is a single storey side extension to form a garage.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension to form a garage at The Cottage, Ashley Road, Ashley WA15 0QP, in accordance with the terms of the application Ref 19/5028M, dated 29 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Red edged site location plan; drawing No JL-20-SK01 & drawing No JL-20-SK02.
 - 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 Matter

2. I have taken the description of development in the banner heading above from the Council's refusal notice and the appellant's appeal form. This reflects changes to the proposal which originally included a first floor over the garage in the form of a gym and other facilities.

Main Issue

3. There is no dispute between the parties that the proposal would not cause harm from a living conditions point of view. I have no reason to disagree
4. The appeal site is in the Green Belt and so the main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;

- The effect of the development on the character and appearance of the area; and
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

Reasons

Whether inappropriate development

5. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 145 of the National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, one exception to this relates to *"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"*.
6. The Framework does not define what is disproportionate. Saved policy GP12 of the adopted Macclesfield Borough Local Plan 2004 refers to up to 30% of the 'original floorspace' as being acceptable although exceptions to this include where a proposal *'lies in a group of houses or ribbon development and the extension would not be prominent'*. In this case, the single storey garage would represent an addition to an existing dwellinghouse that does fall within a group of houses and is ribbon development. Furthermore, owing to the proposed land levels, the height and position of the garage and existing soft/hard landscaping around the site, I do not consider that the extension would appear prominent from public views.
7. Given the above, I consider that an exception can be made to the aforementioned 30% guide. I have no reason to dispute the appellant's comment that when the proposal is considered alongside the conservatory and linked extension, which were added after the dwellinghouse was originally built/approved, the proposal would cumulatively increase the floorspace of the original dwellinghouse by about 48%. Taking into account the size, position and resultant height of the proposed garage, I consider that it would not result in a disproportionate addition over and above the size of the original building.
8. I therefore conclude that the proposal would not be inappropriate development in the Green Belt and to this extent it would not conflict with saved policy GP12 of the LP; the Framework or with policy PG3 of the adopted Cheshire East Local Plan Strategy 2017 (LPS).

Character and appearance

9. I acknowledge that the proposal would result in a dwelling which would be wider than many others in the immediate area. However, the plot is large and can accommodate the proposed development. In addition, it is of note that the consented dwellinghouse is already quite different in terms of its position, design and size when compared to others in the immediate area. The garage would also be set well back from the front wall of the existing kitchen and would be a significant distance away from Ashley Road.

10. Furthermore, the garage would be positioned at a much lower level than the highway. Given this, coupled with its overall height and the existing boundary treatments, the proposal would appear subservient in scale to the two storey part of the dwellinghouse when viewed from public areas. Indeed, given the land levels and the boundary screening, very little of the single storey elements of the house (both existing and proposed) would be noticeable to the passer-by.
11. I am satisfied that the proposal would not cause harm to the design of the existing dwellinghouse. Furthermore, given the height and position of the garage, it would not appear dominant or prominent in its setting and would seek to provide a suitable built form transition at a point where the site meets the otherwise more open and rural countryside immediately beyond its boundary.
12. I therefore conclude that the proposal would not conflict with the design, landscape character or appearance requirements of saved policy GP12 of the LP; policies SD2 and SE4 of the LPS or with chapter 12 or paragraph 170b of the Framework.

Other Matters

13. Comments have been made by other interested parties about car parking issues in the village in recent years as a result of construction activity. This proposal relates to the erection of a single storey garage and any construction work would be temporary. Furthermore, there is no objective evidence before me to indicate that the proposal would result in any significant car parking or any other adverse issues in the immediate area.

Conditions

14. Planning permission is granted subject to the standard three year time limit condition. It is also necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of good design, it is necessary to impose a condition requiring the use of matching materials. Given my comments above, a condition relating to the parking of construction vehicles would not meet the tests of necessity or reasonableness.

Conclusion

15. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR