



Appeal Decision

Site visit made on 4 August 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/A0665/D/20/3253393

Yew Tree Cottage, Hampton Green Lane, Hampton, Malpas SY14 8LT

- 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 and Mrs Hugh Longland against the decision of Cheshire West & Chester Council.
 - The application Ref 19/03762/FUL, dated 11 October 2019, was refused by notice dated 12 March 2020.
 - The development proposed is extensions and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) housing mix in the area.

Reasons

Character and appearance

3. The appeal property is a large detached two-storey dwelling set within substantial landscaped grounds in the open countryside. The property is detached from other properties which display a variety of architectural styles and finishes. The appeal property has been previously extended and there are single storey components to the front and rear.
4. In terms of their design, appearance and the proposed use of materials, the two-storey side, single storey front and side extensions would be in keeping with the character and appearance of the dwelling. They would also be of a subordinate height to the host dwelling. The single storey rear extension would be contemporary, but it would be subordinate in height to the host dwelling and of a high-quality design whilst maximising views across the landscape and enabling a high standard of light.
5. However, subordination is not just about relative height. Collectively, the proposal would not be subordinate to the original dwelling as it would result in an significant increase to the host dwelling which has already been extended above the threshold set out in the explanation to Policy DM21 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2). The proposal would fundamentally change the scale and thus the character and appearance of the original dwelling.

6. There is a greater than theoretical possibility that the development outlined in the appellants fallback position case might take place for the reasons they set out. The effect of the two-storey rear extension would be less harmful than the proposed two-storey side extension due to its siting and size. The annexe would be detached from the dwelling and thus, it could have a more harmful effect than the single storey elements of the proposal in particular. However, both the proposal and the fallback position could both be physically carried out, and there would be nothing to prevent permitted development rights being exercised before the appeal scheme were implemented if I were to allow the appeal. In this situation the fallback position is negated.
7. The proposal would provide the occupants with a modern living environment that would allow the family to grow and to enjoy their home. Moreover, the appeal scheme would improve the thermal efficiency of the property whilst maximising solar gain and natural light. These matters do not however alter or outweigh the harm that I have identified.
8. I conclude, on this issue, that the proposed development would have a significant effect on the character and appearance of the area due to its scale. Hence, the proposal would not accord with Policy ENV 6 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies (LP1), LP2 Policies DM3 and DM21 and Policy LAN3 of the No Mans Heath and District Neighbourhood Plan. Jointly these seek, among other things, high quality design that reflects and enhances the character and appearance of and is subordinate to the scale of the original dwelling and surrounding properties, and the wider setting.

Housing mix

9. The appeal scheme is not a new housing development or a major development as it would extend and alter an already large four-bedroom dwelling. Thus, the considerations of providing smaller family homes for first-time buyers and a range of accommodation types to meet the long term needs of older people are not relevant in this case. But if they were the property would not typically be purchased by first-time buyers due to its scale and likely market value, while the site's location may not also be well suited for persons looking to downsize.
10. I conclude, on this issue, that there would be no conflict with LP1 Policy SOC3 and LP2 Policy DM 20 which seek to provide a mix of housing types, tenures and sizes of market and affordable housing.

Conclusion

11. Although I have not found harm in respect of the second main issue, the proposal would conflict with the development plan for the reasons outlined in the first main issue. There are no material considerations that indicate that I should take a different decision in this case.
12. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR