
Appeal Decision

Site visit made on 28 July 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2020

Appeal Ref: APP/R0660/D/20/3250084

Red Gables, Mereside Road, Mere WA16 6QR

- 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 Carl Cookson against the decision of Cheshire East Council.
 - The application Ref 19/3042M, dated 30 May 2019, was refused by notice dated 3 February 2020.
 - The development proposed is remodelling and extension including two storey rear extension, conversion of loft space to accommodation and second storey above the garage.
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Decision

1. The appeal is allowed and planning permission is granted for remodelling and extension including two storey rear extension, conversion of loft space to accommodation and second storey above the garage at Red Gables, Mereside Road, Mere WA16 6QR, dated 30 May 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policy;
 - The effect on the openness of the Green Belt, and;
 - If the proposal is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. Red Gables is within a continuous row of mainly residential development characterised by large, detached dwellings placed on a similar building line facing Mereside Road. Properties are within large plots that extend predominantly along one side of the Road. Mereside Road is mostly open to its eastern side with The Mere to the rear of the properties on the western side.
4. The Framework establishes that new buildings within the Green Belt are inappropriate subject to a number of specified exceptions. This includes 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 of the Cheshire East Local Plan Strategy 2010 – 2030 (LP Strategy) is similarly worded. Policy GC1 of the Macclesfield Borough Local Plan adopted January 2004 (Local Plan) is largely consistent with the approach in the LP Strategy and the Framework where it supports limited extension or alteration of existing dwellings subject to Local Plan Policy GC12.

5. Policy GC12 states that alterations and extensions to existing houses may be granted for up to 30% of the original floor space provided the scale and appearance of the house is not significantly altered. 'Original' in the context of Policy PG3 is not defined, however, the Framework defines 'original building'¹ as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
6. The parties agree that the extensions including the basement would amount to an increase in the floorspace over the original dwelling of 142%. It is also agreed, within 1 percentage point, that the increase over the size of the original dwelling of the extension without the basement would be 108%.
7. There are, however, two exceptions to the 30% threshold in Local Plan Policy GC12. There is no dispute between the main parties that the appeal site forms part of a ribbon of development along the road. Therefore, subject to the consideration of prominence and the extension's effect on character and appearance of the countryside, such extensions may accord with Policy GC1. Although Policy PG3 and the Framework refer to disproportionate additions and Policy GC1 refers to limited extension to existing dwellings, Policy GC12 provides a mechanism by which limited extensions or disproportionate additions may be assessed.
8. The front of the property is significantly enclosed by trees, a number of which are covered by a group Tree Preservation Order. I saw during my site visit that views of the appeal property from the road are limited by the tree cover. Further, the side boundaries of the appeal property are enclosed by trees and there is limited inter-visibility between the appeal site and the adjacent properties.
9. The rear garden of the property extends down to The Mere, the extensions and remodelling of the building would be apparent from here. However, the significant size of the garden, the distance of the property from The Mere and the construction of the extension within the existing patio area and partly above existing structures would limit the visual change from this viewpoint. In addition, the surrounding properties are large individually designed properties on extensive plots so that the appearance of the dwelling as extended would not be prominent among these dwellings. Nor would there be any wider effect on the character and appearance of the countryside given the level of surrounding planting and the limited views through the site.
10. I note the Council's reference to other appeal decisions where an assessment of disproportionality was accepted as being an assessment of quantity rather than a visual one. Whilst I accept this is a valid approach to assessing disproportionality, I have made my decision based on the development plan policies which provide exceptions to this approach.

¹ Annex 2 Glossary, National Planning Policy Framework, February 2019.

11. The Council refer to emerging Policy RUR11 in the draft Cheshire East Site Allocations and Development Policies. I have not been provided with the details of the progress of the draft document or the extent to which draft Policy RUR 11 has unresolved objections. As a result, I attach limited weight to it.
12. Overall, whilst I accept that there would be some visibility of the development, the site lies in an area of ribbon development and the extensions would not be prominent nor would the development detract from the character and appearance of the countryside. On this basis, the proposal would not be a disproportionate addition and therefore, the proposal would not be inappropriate development in the Green Belt and would accord with Policy PG3 of the LP Strategy and Policies GC1 and GC12 of the Local Plan. It would also accord with Framework paragraph 145.

Openness of Green Belt

13. Given my conclusion on the first main issue it is not necessary for me to go onto consider the proposal's effect on the openness of the Green Belt or whether there are other considerations.

Other Matters

14. I note the points raised about extending the property to the rear under permitted development, but, given my conclusions on the main issue it is not necessary for me to consider this matter further.
15. The Council do not object to the design of the development or consider that the development would detract from the living conditions of adjacent occupiers.

Conditions

16. I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition relating to materials in the interests of safeguarding the character and appearance of the area. The trees within the site form an important element of the area's character and appearance. Conditions are sought to protect trees that are shown to be retained during construction. It is appropriate given the proximity of the dwelling to trees that measures to provide for bats is sought to maintain and enhance the biodiversity of the site. A drainage condition is necessary given the development proposes a basement.
17. A separate Arboricultural Method Statement condition is not required as these details can be sought through the other tree works conditions. Given the size of the plot I see no site-specific reason to impose a restricted working hours condition despite the request made for such a condition.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

Diane Cragg

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: ND/CC/19/001 Revision A; ND/CC/19/002 Rev A; ND/CC/19/003; ND/CC/19/004 Rev A; ND/CC/19/005 Rev A; ND/CC/19/007 (revised); Location plan
3. No above ground construction work shall be undertaken until a sample panel of the materials to be used in the construction of the external surfaces of the development shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre by 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
4. Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme. (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place. (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme. (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
5. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed tree felling / pruning specification shall be submitted to and approved in

writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998(1989) Recommendations for Tree Works.

6. Prior to the commencement of the development hereby permitted a surface water drainage scheme with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details which shall be retained as installed for the lifetime of the development.
7. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
8. Prior to the use of any building materials in the new development, the applicant shall submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats. Such proposals shall be agreed by the Local Planning Authority. The proposals shall be permanently installed in accordance with approved details.