
Appeal Decision

Site visit made on 25 August 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/A0665/W/20/3253715

28 Tarvin Road, Littleton, Chester CH3 7DG

- 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 K Hearn against the decision of Cheshire West & Chester Council.
 - The application Ref 20/00302/FUL, dated 27 January 2020, was refused by notice dated 16 March 2020.
 - The development proposed is change of use from out-buildings to 3 No. holiday let accommodation units, including raising of ridge height by 300mm (amendment to approved application ref:19/01806/FUL).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are: a) whether or not the proposed development would amount to a significant loss of existing fabric, or major or complete reconstruction of the appeal building; and b) the effect of the proposal on the character and appearance of the building and the surrounding area.

Reasons

Significant loss of existing fabric, or major or complete reconstruction

3. The appeal site is an existing part-single part-two storey brick outbuilding located to the east of the dwelling. The building has a gable elevation facing the road. The site is located within the Countryside and Green Belt.
4. There is no dispute about the reuse of the existing building which is of permanent and substantial construction. Policy STRAT 9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1) and Policy DM22 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) permit this type of development. However, this is subject to several criteria. The dispute in this case focusses on whether the building is suitable for and capable of conversion to residential use without significant loss of existing fabric, or major or complete reconstruction.
5. Planning permission has previously been granted by the Council to change the use of the outbuilding to 3 no. holiday lets (Council Ref: 19/01806/FUL) ('the approved scheme'). The approved scheme also included raising the ridge height of the single-storey rear section of the building, adding a dormer window and carrying out window and door alterations. Hence, there is no dispute about the existing building being used as proposed.

6. The appeal scheme differs from the approved scheme in that the brickwork on each elevation of the two-storey part of the building would be raised by around 300mm. This would raise the height of the eaves and ridge line of the building. By doing so, the roof serving this part of the existing building would need to be completely removed. There would be no change to the single-storey rear section compared to the approved scheme which was judged by the Council to be a 'minor external alteration'. The same view was expressed in relation to the dormer window, roof lights and other window and door openings. None of the existing brickwork above and beyond that envisaged as part of the approved scheme would be lost to facilitate the new window and door openings.
7. It is reasonable to assume that the approved scheme would involve removing the single-storey roof. That said, this is the smaller of the two parts to the building, and despite the approved scheme, the proposal would result in the whole of the existing roof being lost. In my view this is a significant component of the building. However, my opinion remains the same even if I were to solely focus on the two-storey roof given that this is the aspect of the building most visible from the public domain.
8. I recognise that the approved scheme would entail the removal or alteration of sections of the existing roof to accommodate the dormer window and roof lights. However, the approved scheme could be implemented whilst keeping the existing roof for the two-storey part of the building. They would therefore be 'changes' to the fabric of the existing. Even though the proposed dormer window and roof lights may be of the same size, design and position as the approved scheme, they would all be part of a newly constructed replacement roof that would represent a good proportion of the existing outbuilding.
9. LP2 Policy DM22 and LP1 Policy STRAT 9 use the phrases 'or major or complete reconstruction' and 'without major reconstruction' when considering the reuse of existing rural buildings. The term 'reconstruction' is not defined in the development plan policies before me. I note the Council's take on the term, but its dictionary definition is 'to build or make something again that has been damaged or destroyed'. There is no suggestion that the building has been damaged and it has not been destroyed.
10. On this basis, there would be no conflict with LP Policy STRAT9 based on my ordinary reading of the policy. However, this is outweighed by my conclusion that the appeal building would not be suitable for and capable of conversion to residential use as the appeal scheme would amount to a significant loss of existing fabric of the appeal building. The proposal would therefore conflict with LP2 Policy DM22 which requires buildings for the change of use to be of permanent and substantial construction and suitable for and capable of conversion to residential use without significant loss of existing fabric, or major or complete reconstruction.

Character and appearance

11. The outbuilding is subordinate to, and to the side of the host dwelling which is a large three storey property. The proposal would result in a negligible change to the scale and massing of the outbuilding compared to the existing building and the approved scheme. The change would not also be readily perceptible as the proposed design would closely echo the approved scheme, and still maintain the subordinate relationship to the host dwelling, which would in turn maintain its setting as a rural outbuilding.

12. I conclude, in respect of this issue, that the proposed development would accord with LP1 Policy ENV6 and LP2 Policies DM3 and DM22 which jointly, among other things, seek high quality design that respects local character in terms of scale, height, massing and appearance.

Conclusion

13. I note the findings of the Bat Activity Survey Report and whilst I have identified no harm in respect of character and appearance, these matters do not outweigh the harm that I have identified in respect of the first main issue.
14. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR