



Appeal Decision

Site visit made on 5 January 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/R0660/W/20/3260051

Land between 4 and 6 Shrigley Road North, Poynton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Rodgers against the decision of Cheshire East Council.
 - The application Ref 20/0772M, dated 30 April 2020, was refused by notice dated 11 September 2020.
 - The application sought planning permission for the 'erection of two detached dwellings with associated access and landscaping' without complying with a condition attached to planning permission Ref 19/3950M, dated 22 January 2020.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in total accordance with the approved plans numbered; P2-20B, P1-10B, P2-10B, P1-20B, FPL 400D, received by the Local Planning Authority on 06 December 2019 and the Location Plan received on 19 August 2019.
 - The reason given for the condition is: For the avoidance of doubt and to specify the plans to which the permission/consent relates.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The site address above is taken from the decision notice and the appeal form. This differs from the address on the planning application form however the appellant has confirmed that the above is the correct address.
4. At the time of my site visit the originally approved development had already commenced, with construction largely up to first floor level.

Background

5. Planning permission was granted in January 2020¹ for two detached dwellings on a site between 4 and 6 Shrigley Road North; the 'Coffee Tavern' and a residential property. A condition was imposed on the original permission

¹ Application ref: 19/3950M. The 'original permission'.

specifying that the development shall be carried out in accordance with approved plans. This appeal seeks to vary that condition, to refer to alternative plans for larger houses with, in effect, additional two-storey side elements to both dwellings.

Main Issues

6. The main issues are the effect that varying the condition would have on:
- Whether the proposal would be inappropriate development in the Green Belt and;
 - The character and appearance of the wider area.

Reasons

7. The appeal site falls within the Green Belt and is located towards the northern end of Shrigley Road North, where the layout of built form is more dispersed than the southern part of the road close to the junction with Coppice Road. Due to the arrangement of built form, the open space opposite and rural landscape beyond, the immediate locality has a predominantly spacious and verdant setting.

Whether the proposal would be inappropriate development

8. Policy PG 3 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030 (July 2017) (the CELP) relates to development in the Green Belt and, amongst other things, allows for limited infilling in villages. In this respect, the policy is consistent with paragraph 145 e) of the National Planning Policy Framework (the Framework). There is no dispute between the main parties that the appeal site is located within a village and that the proposal would be infill development. There is however a disagreement as to whether or not the proposed amendments to the approved dwellings would constitute development that could be defined as 'limited' infill.
9. The Framework does not include a definition of the specific term 'limited infilling' and from the evidence before me, it appears that neither does the CELP. The appeal site is located within the Higher Poynton area and Policy HOU1 of the Poynton-with-Worth Neighbourhood Plan 2016-2030 (Referendum Version September 2019) (made November 2019) (the NP) limits development within the village boundary to small scale infilling, defined as providing for the 'filling of a narrow gap normally capable of taking one or two dwellings only'.
10. The proposed amendment would not alter the total number of dwellings of the original permission, thus the development as a whole would continue to accord with the maximum number of units stated in Policy HOU1. However, to my mind, in order to ascertain whether the proposed amendment would enable the overall development to constitute 'limited infilling', consideration should not only be given to the amount of development but also the overall scale and massing of the buildings proposed.
11. The original gap between Nos 4 and 6, as it previously existed, was of a substantial size and could comfortably accommodate two dwellings, as acknowledged by the original permission. Whilst the proposed larger dwellings would be of greater overall footprint, they would still be two-storeys in height, similar to that of the adjacent buildings, and thus commensurate in terms of

their scale and massing. On that basis, in terms of the requirements of paragraph 145 e) of the Framework, the proposal would be limited.

12. It is acknowledged that the proposed development would fill the gap to a greater extent than the approved dwellings. However, this matter is addressed below in terms of the effect on the character and appearance of the area.
13. Consequently, the proposal to vary condition 2 of the original permission would not conflict with Policy PG 3 of the CELP and Policy HOU1 of the NP and moreover, would fall within the exception set out in paragraph 145 e) of the Framework. As such the proposal is not inappropriate development within the Green Belt. On that basis there is no need for me to further consider the effect of the proposal on the openness of the Green Belt or whether there are very special circumstances necessary to justify the development.
14. The appellant has suggested that exception 145 c) of the Framework is relevant and that this proposal fulfils it as the 'extensions' would not result in disproportionate additions over and above the size of the original building. Whilst there is no need for me to further consider this given my findings above, as this appeal relates to an application to vary planning permission the appeal cannot be considered against this exception, as I must consider the proposed development as a whole.

Character and appearance

15. The appeal site is primarily read in context with the adjacent cluster of buildings at Nos 4 and 6, and the public house on the corner of Shrigley Road North with Anson Road. The approved dwellings of the original permission are large, two storey buildings which would occupy a considerable width of their individual plots. Whilst they would be positioned close to one another along their shared boundary, they would be well set off the boundaries with Nos 4 and 6, thus providing good spacing to the side, reflecting the spacious character of the immediate street scene.
16. The larger dwellings now proposed would have a significantly greater massing and a more substantial form than previously approved. Moreover, the dwellings would be positioned up to the boundaries with No 4 and 6, thus largely filling the width of their plots and consequently eroding the space to the side. This would result in an almost continuous built up frontage along this stretch of the highway and the built form would appear cramped, thus failing to reflect the spacious characteristics of the area.
17. I am unconvinced that the existing and proposed landscaping would reduce the impact of the development particularly given that the dwellings would be highly visible from the public realm due to their scale and siting.
18. Whilst some neighbouring buildings fill much of their plot widths, they are positioned a generous distance away from properties adjacent to them. The original permission takes account of and reflects this set-off. However, the proposed larger dwellings would significantly diminish the spacing between the buildings, thus causing the built form in this locality to become more close knit.
19. Consequently, due to the siting and design of the proposed dwellings, the proposal to vary condition No 2 of the original permission would harm the character and appearance of the wider area. As such, the amendments proposed would conflict with Policy SD 2 of the CELP which seeks to ensure,

amongst other things, that developments contribute positively to an area's character and identity.

Other Matters

20. It is acknowledged that permitted development (PD) rights may exist and thus, once completed, the approved dwellings could be extended in various ways. However, the appellant accepts that extensions to the side constructed under PD rights would be single storey only. Furthermore, any alterations to the roof or rear of the dwellings would be unlikely to have the same effect on the street scene and wider area as the appeal proposal. As such, any potential fallback is not directly comparable to the proposal before me and thereby carries only limited weight in support of the proposal.
21. Reference is made to saved Policy GC12 of the Macclesfield Borough Local Plan (2004). I have not been provided with a copy. However, from the evidence before me, it appears that this concerns extensions of dwellings in the Green Belt and allows increases above 30% which it is suggested that this proposal complies with. As noted above, I must consider the development in its entirety. Furthermore, it appears that the policy also seeks to ensure that developments do not adversely affect the character and appearance of the countryside, to which I have found harm as set out above.

Conclusion and Recommendation

22. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR