
Appeal Decision

Site visit made on 23 February 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/R0660/D/20/3262681

Litton, Cross Lane, Wilmslow SK9 2DD

- 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 Adrian Smith against the decision of Cheshire East Council.
 - The application Ref 20/1528M, dated 9 April 2020, was refused by notice dated 13 October 2020.
 - The development proposed is described as 'Remodelling of the dwelling. Two storey rear and side extension and new raised roof to accommodate habitable space'.
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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.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt and the purposes of including land within it;
 - The effect on the living conditions of adjacent occupiers, with particular regard to privacy;
 - The effect on the character and appearance of the area and;
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site is located within the Green Belt and includes a two-storey detached dwelling along a row of properties on the north side of Cross Lane. It is of similar character to the adjacent detached dwellings to the south west.

Whether the proposal would be inappropriate development

5. Policy PG 3 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030 (July 2017) (the CELP), which is consistent with the National Planning Policy Framework (the Framework) notes that the construction of new buildings is inappropriate in the Green Belt. Both this Policy and the Framework, in paragraphs 145 and 146, go on to set out certain circumstances which can be considered exceptions, including 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. Neither the CELP or the Framework explain what a disproportionate addition means, however, saved Policy GC12 of the Macclesfield Borough Local Plan (January 2004) (the MBLP) states that alterations and extensions to existing houses in the countryside may be granted for up to 30% of the original floor space. This policy goes on to note that exceptions may be permitted where the proposal lies in a group of houses or ribbon of development and the extension would not be prominent.
7. Whilst the proposal would result in a considerable increase to the original floorspace of the host dwelling above 30%, the appeal site lies in a ribbon of development. However, the proposed side extension would nevertheless be of a generous width and overall massing and it would be clearly visible from the public realm, despite its generous first floor set-back. Additionally, the proposed alterations to the roof would be significant and the rear extension would be seen from neighbouring properties. Therefore, due to the positioning, scale and massing of the proposed development, there is no doubt in my mind that the proposal would be prominent and accordingly it would not qualify as an exception for the purpose of MBLP Policy GC12.
8. Besides this matter however, the more recently published Framework does not limit consideration of the matter to floorspace alone, but rather it refers to size. Therefore, in order to assess proportionality, consideration should also be given to the overall size increase in terms of volume and external dimensions.
9. The existing dwelling is 2 storey in scale, has a simple rectangular footprint and is narrow in width. The proposed extensions to the front, side and rear of the dwelling would significantly alter its original form and cause it to become a considerably deeper dwelling. Additionally, its original roof form would be notably altered through the raising of the ridge and introduction of various roof slopes and flat roof sections. I consider therefore that the proposal, taken with the increased floorspace, would undoubtedly represent a substantial increase in the footprint and volume of the original dwelling.
10. Consequently, given all the above, I find that the proposal would be a disproportionate addition to the dwelling and thus would constitute inappropriate development in the Green Belt, contrary to the Framework and Policy PG 3 of the CELP. It would also conflict with saved Policies GC1 and GC12 of the MBLP which seek to ensure that extensions are limited additions and not prominent.
11. My attention has been drawn to an approval at the adjacent property, Marlow, which resulted in more than a 30% increase to the original floorspace. I do not have the full details of that permission however I note from the officer's report that the proposal was not considered to be prominent, which for the reasons

set out above is not the case with the proposal before me. This matter does not alter my findings.

Effect upon openness and purposes of the Green Belt

12. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both visual and spatial aspects.
13. Whilst the proposal would be read in context with the existing dwelling and the wider built form along Cross Lane, due to its scale and siting it would be highly prominent from the public realm. In spatial terms, a substantial part of the extension would introduce development over an area which is currently undeveloped, thus increasing the overall bulk of development present within the site. Consequently, the proposal would result in harm to the openness of the Green Belt, in that it would be reduced.

Living conditions

14. The host dwelling occupies a slightly elevated position above its rear garden and those of Stair House and Marlow adjacent and, in particular, there are clear views into the rear garden of Stair House as the boundary fence slopes away and the planting is relatively sparse. The proposed balcony would be raised further at first floor level thus providing considerable opportunities for users of it to overlook the neighbouring gardens. The obscurely glazed side balustrades would only prevent overlooking to the part of the garden nearest the rear elevation of the adjacent properties. However, as the rear gardens are of a generous size, much of them would be overlooked from people using the balcony due to its elevated position and extent.
15. Furthermore, the balcony would span the full extended rear elevation of the host dwelling and would be of a generous size that would afford an opportunity to include some element of seating which would allow for prolonged periods of stay. Unlike the relationship from the rear first floor windows, the balcony would encourage occupiers to congregate for socialising and for prolonged periods of stay, thus resulting in an invasive loss of privacy for neighbouring occupiers.
16. My attention has been drawn to an approved first floor balcony at 1 Alton Road. Whilst plans and the decision notice have been provided, I cannot determine the context of the site and its relationship with adjacent dwellings and thus whether it is directly comparable to the proposal before me. This therefore limits the weight I can afford to this matter.
17. Taking all the above into consideration, due to its size, elevated position, distance from the shared boundary and transparent design of the balustrade, I conclude that the use of the proposed balcony would result in a loss of privacy for the occupiers of nearby properties, in conflict with Policy DC3 of the MBLP which states that development should not significantly injure the amenities of nearby residential property due to loss of privacy.

Character and appearance

18. The appeal dwelling is primarily read in the context of the adjacent detached dwellings which are of similar character and appearance. They have attached garages which extend out to the side boundaries at one side and only a narrow

gap between the dwelling and the opposite side boundary. Whilst the garages are only single storey, their presence nevertheless causes the dwellings to almost fill the full width of their plots, thus giving this part of the street scene a relatively tight knit feel.

19. The proposed side extension would have a limited set-off from the side boundary, however it would have a generous set-back at first floor level which would help to break up the extent of massing to the front and side. Moreover, the adjacent property at Marlow has good spacing to the side between it and the appeal dwelling. The resultant dwelling would therefore reflect the established layout within which it is primarily read.
20. Consequently, I conclude that the proposal would not result in harm to the character and appearance of the area and it therefore accords with Policies SD2 and SE1 of the CELP, saved Policy DC43 of the MBLP and Policy H2 of Wilmslow Neighbourhood Plan (November 2019). Collectively, these policies seek to ensure that developments protect and contribute positively to the character of the area.

Other considerations

21. The appellant states that permitted development rights represent a viable fallback should the appeal be dismissed. I am not aware that the Council has issued a Certificate of Lawfulness for Proposed Use or Development but there is no reason for me to consider that permitted development rights do not exist.
22. However, based on the information before me, I am unconvinced that any extensions which may be carried out under permitted development would be equally or more harmful than the appeal proposal. Notably, the first floor rear extension would be of similar projection to this proposal and the side extensions would be single storey in nature. Moreover, the 8 metre ground floor rear extension would be subject to prior approval and there is no guarantee of its success. The appellant also notes that the fallback would not be their preferred option. As such, evidence to demonstrate that the fallback position is greater than a theoretical possibility is therefore very limited and accordingly I afford this matter limited weight.

Whether very special circumstances exist

23. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. The proposal would constitute inappropriate development in the Green Belt and would cause harm to its openness, to which substantial weight is given. I have also found that the proposal would harm the living conditions of neighbouring occupiers, which I afford considerable weight.
25. Therefore, the advanced considerations in support of the appeal, whether taken individually or cumulatively, do not, on balance clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

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

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR