



## Appeal Decision

Site Visit made on 11 May 2021

**by Paul Martinson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 June 2021**

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**Appeal Ref: APP/R0660/D/21/3269782**

**3 Fairmead, Legh Road, Knutsford WA16 8LS**

- 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 Ms Alison Briers of Forty8Design Ltd against the decision of Cheshire East Council.
  - The application Ref 20/3665M, dated 10 August 2020, was refused by notice dated 14 January 2021.
  - The development proposed is garage refurbishment and new two-storey extension to provide annexe for the house owner's elderly parents.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I carried out an unaccompanied site visit as the appellant was not present when I arrived at the appeal site. Nonetheless I was able to see the relevant parts of the site allowing me to form a view on the main issue.

### Main Issue

3. The main issue is whether the development would preserve or enhance the Legh Road Conservation Area.

### Reasons

4. Fairmead is a small cul-de-sac of four large detached houses constructed in the 1970s. The houses are accessed from Legh Road via a narrow entrance with trees to either side. Beyond the entrance, the road curves and slopes up towards the front elevation of No 3, which faces the access road and is prominent in this view. The trees and topography limit views of the dwellings on Fairmead from Legh Road. The presence of the trees, the generous spacing between dwellings and their inward facing orientation gives the development an intimate yet spacious feel.
5. Whilst each dwelling has an individual design using differing materials, each includes a dominant projecting element to the front which gives a degree of coherence within Fairmead. The coherent yet individual designs alongside the spacious feel and scale of the dwellings are features that contribute to the significance of the Legh Road Conservation Area (CA).
6. Consistent with the character of Fairmead reasoned above, No 3 has a two storey gable on the right hand side of the front elevation which projects out to a noticeably greater degree than the rest of the building. The remainder of the

dwelling, which includes a garage with a first floor dormer, is markedly set back with a lower overall roof height, resulting in a recessive appearance that emphasises the dominance of the gable. This arrangement gives the dwelling a clear composition and rhythm with the dominant feature to the right progressing to the more subservient element on the left. The ridge of the hipped dormer above the garage is of a similar height to the main dwelling but due to the lower height of the rest of the roof in which it sits, and its narrower width than the gable, it appears subservient. The dwelling is set in a large plot set away from the boundaries to the side. Whilst I agree with the appellant that Fairmead has a neutral effect on the CA, nonetheless, for the reasons set out above, it reinforces the characteristics that contribute to the significance as set out in paragraph 5.

7. The proposed annexe would take the form of an extension, utilising matching materials and would attach to the existing garage and dormer, infilling much of the gap between the side of the dwelling and the side boundary wall, and resulting in removal of an existing conifer hedge. It would incorporate a garage with a dormer above following the conversion of the existing garage to living space. This would be wider with more of a squat roof form than the existing dormer. It would also be set substantially further forward than the existing and would incorporate two windows. The ground floor element to this extension would be set further forward still, extending beyond the line of the existing gable.
8. The forward projection and width of the extension alongside the squat roof form, fenestration and width of the dormer would unbalance the appearance of the dwelling and disrupt the rhythm of the development inherent in my above reasoning. The resultant appearance of the proposal would be of an incongruous addition that would be unsympathetic and at odds with the scale, character, and appearance of the host dwelling. Whilst I note that the roof would be lower than the existing building, for the above reasons, I am of the view that the proposal would not appear subservient to No 3, resulting in an adverse effect on the CA, thereby failing to preserve or enhance the CA.
9. Being set substantially forward, the proposed extension would dominate the views of the building on the approach from the entrance. This dominance, alongside the increased proximity to the boundary wall would compromise the spacious feel of the area. Furthermore, the unbalancing of the dwelling referred to above would be incompatible with the consistency present across Fairmead as set out above. For these reasons and those above, the proposal would be harmful to the character and appearance of the dwelling and would thereby fail to preserve or enhance the CA. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the National Planning Policy Framework ('The Framework'), that harm should be weighed against any public benefits of the proposal.
10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
11. The appellant has put forward a public interest reason in support of the appeal. They have advised that the proposal would reduce pressure on the availability of supported living accommodation in the district. This modest benefit would be

significantly and demonstrably outweighed by the harm the development would cause to the character and appearance of the conservation area. A further possible benefit of the proposal is outlined in the appellant's heritage statement which states that the removal of the conifer hedge may represent an improvement. If this were the case, the benefits arising from the removal of the conifers would be limited and would be greatly outweighed by the harm to the CA as set out above.

12. Notwithstanding the above conclusion with regard to public benefits, there are clear personal benefits to this proposal. I have carefully considered the personal information provided in support of this appeal. Given the sensitive nature of the health information supplied to me as part of this appeal, it would not be appropriate for me to outline the specific health conditions of the individuals concerned. However, on the evidence that is before me, I have no doubt that the proposal would be of benefit to both the appellant and her parents allowing her to care for her parents whilst allowing them to retain a degree of independence within familiar surroundings. These are personal circumstances to which I afford moderate weight in favour of the appeal. In weighing the personal circumstances in the balance, this must be considered against the identified harm that would be caused to the conservation area.
13. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
14. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the CA is preserved or enhanced. Furthermore, the protection of the public interest cannot be achieved by means that are less obstructive of the human rights of the appellant and her parents. Therefore, whilst I acknowledge the personal circumstances of the appellant and her parents, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in respect of my above conclusion with regard to the CA. Furthermore, whilst I note the appellant's concerns regarding a possible alternative single storey proposal, I have not been provided with evidence that realising the benefits considered above is reliant on the precise composition of the proposal before me.
15. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the Legh Road Conservation Area contrary to policies SE1, SE7, and SD2 of the Cheshire East Local Plan Strategy, saved policies DC2 and BE13 of the Macclesfield Borough Local Plan and policies D1, HE2 and HE3 of the Knutsford Neighbourhood Plan. The proposal would also conflict with paragraph 196 of the Framework insofar as it seeks, amongst other things, to ensure that heritage assets are conserved in a manner appropriate to their significance.

## **Conclusion**

16. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*Paul Martinson*

INSPECTOR