
Appeal Decisions

Site visit made on 1 September 2021

by Helen B Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal A: APP/R0660/W/21/3268978

Beech Cottage, Birtles Lane, Over Alderley SK10 4RU

- 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 Ian Davidson against the decision of Cheshire East Council.
 - The application Ref 20/4241M, dated 28 September 2020, was refused by notice dated 14 December 2020.
 - The development proposed is an orangery and patio.
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Appeal B: APP/R0660/Y/21/3268982

Beech Cottage, Birtles Lane, Over Alderley SK10 4RU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Ian Davidson against the decision of Cheshire East Council.
 - The application Ref 20/4242M, dated 28 September 2020, was refused by notice dated 20 November 2020.
 - The works proposed are an orangery and patio.
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Decision

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed

Procedural Matters

3. As the works affect a listed building, I have had regard to sections 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Act.
4. The original planning application stated the address as 4 Birtles Hall, Beech Cottage, Birtles Lane. The Council removed reference to the Hall in their documentation. This reflects the fact that the Cottage is not part of the Hall itself and avoids confusion. I have therefore used this address in the banner heading above.
5. The appeal site is located within the North Cheshire Green Belt. The Council considers that the proposal would not form inappropriate development in the Green Belt, complying with national planning policy in this regard. I have no

reason to disagree with this conclusion. I therefore do not address this issue further in my decision.

6. The appeals relate to a Grade II listed building, the Stable Block to the north west of Birtles Hall. The Council does not specifically identify harm to Birtles Hall itself or other nearby listed buildings. However, I am mindful of my statutory duties under the Act. I have therefore considered the appeal accordingly, having regard to the evidence before me and my own observations.
7. The appellant in the appeal statement refers to Policy DC1 in the Macclesfield Local Plan, however, this policy has been superseded by Policies SD2, SE1 and SE2 of the Cheshire East Local Plan and is no longer relevant. I have therefore determined the appeals in line with these up-to-date policies where relevant.

Main Issues

8. In light of the above, the main issues in this case are:
 - Whether the proposal would preserve a Grade II listed building, known as Stable Block to the north west of Birtles Hall (Ref:1274944) and any of the features of special architectural or historic interest that it possesses, and the effect of the proposal on the setting of the Grade II listed Birtles Hall (Ref:1329626), the Former Haybarn 35 metres west of Birtles Hall (Ref: 1139603) and South and East Terrace Walls in front of Birtles Hall (Ref:1221367).
 - The effect of the proposal on the living conditions of the occupants of neighbouring residential properties with particular regard to privacy.

Reasons

Heritage matters

9. The appeal property forms a two-storey mews cottage located within a 'U' shaped former stable converted into residential dwellings in the mid 1990's. It is proposed to construct an orangery and patio to the rear elevation of the dwelling.
10. The stable block, dating from the early 19th century, was listed in 1992 and features a number of 20th century alterations and additions. It is constructed in brick with an ashlar gritstone plinth, hipped roofs with a welsh slate covering and a lower contemporary wing, attached to the west wing enclosing a paved courtyard. The building includes an octagonal louvred cupola with a decorative finial and weathervane. The southern elevation comprises three central bays with shallow pediment and a circular clock face in the gable apex and two former cart door openings.
11. The stables lie within Birtles Hall Estate to the north west of Birtles Hall itself, a Grade II listed Georgian mansion now converted to residential use. Together with a former haybarn and other ancillary buildings grouped around the Hall, the stable building contributes to its setting and historic significance.
12. Given the above, I find the significance of the stable block, as far as it relates to this appeal, to be primarily derived from its architectural features and the historic association with the Hall.

13. Access to the proposed structure would be achieved from the lounge through the installation of new double doors and also through an existing rear door leading through the hall to the kitchen. The double doors from the lounge would require the removal of brickwork below the existing window. Whilst I accept that the window itself is of no historic merit, being a later addition, the larger opening would result in the loss of historic fabric and the erosion of the historic pattern of fenestration on this elevation.
14. The appellant describes the orangery as an unapologetically modern building. It is proposed to construct the proposal with a standing seam zinc roof. This would introduce a modern material at odds with the traditional materials typically associated with such heritage assets. Consequently, the proposed addition would form an incongruent and highly distracting architectural element. This would clearly diminish the simple vernacular form and materials of this building.
15. The garden area of the cottage is set around a metre below the ground floor level of the dwelling. The proposed orangery and patio would therefore occupy an elevated position. The overall extent of the proposal, projecting approximately 5.5 metres from the existing rear elevation, together with its height, would not only obscure much of the historic rear elevation of the cottage, but would also result in a structure of such a scale, that it forms an over dominant and visually distracting addition that would overwhelm the diminutive character of the building.
16. The proposed orangery would cause the host building to move towards a more domesticated character, at odds with its former use as a stable. I agree with the appellant that the conversion works to this elevation of the stable block could have been more sympathetic to its historic character and former use. They have led to the western elevation of the building having more of a residential appearance. However, existing harm from earlier alterations does not justify the further harm from the works that are now proposed.
17. The appellant has brought my attention to the existing conservatory extension to Holly Cottage. I note that the Planning Officers report at that time stated that the rear elevation does not front a courtyard and is not widely visible within the site. The main and important elevation (fronting the Courtyard) would remain unchanged, and the development would not harm the character of the development as a whole. It is argued that this assessment applies equally to this proposal.
18. Whilst the rear elevation of the stable block has limited public visibility, this does not diminish its historic importance because listed buildings are protected for their inherent qualities and not on the basis of just what can be seen from the public realm. In any event, each proposal must be considered on its individual merits. It is also notable that the conservatory at Holly Cottage is in a corner position sited against two walls, the rear of Holly Cottage and the side gable of Lime Cottage, which results in it being less visually intrusive.
19. Turning to the effect of the proposal on other nearby heritage assets, the stable block has historic association with Birtles Hall. The proposal would appear as a subservient domestic extension which would be read in the context of the stable block building. Therefore, and given the separation distance between the site and the Hall itself, the scheme would not harm the setting of the Hall.

20. The appeal building does not have direct links to other nearby listed buildings and structures, namely the Haybarn and the terrace wall which are associated with the Hall itself. Therefore, and given its scale and separation from those other listed structures, the proposal would not affect their settings either.
21. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the planning balance.
22. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the extent of the proposal, I find the harm to be less than substantial, but nevertheless of considerable importance and weight.
23. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The orangery would provide additional living space for the appellant. However, this would form a private benefit only. The appellant argues that there can be no public benefit in this case, as the public do not have access to the rear garden as there is no right of way. The fact that the building is not visible from public viewpoint, does not in itself mean that a proposal would have no public benefit. Such a benefit could include, amongst other things, the reversal of harmful works that have previously been undertaken such as the removal of unsympathetic additions or uPVC glazing.
24. In light of the above, and in the absence of any defined public benefit, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with Policies SE1 and SE7 of the Cheshire East Local Plan Strategy and Saved Policies BE15, BE16 and DC2 of the Macclesfield Local Plan. These policies aim to conserve the historic environment, ensure development respects existing architectural features and achieve high quality design.

Living conditions

25. I noted from my site visit that the garden fence and vegetation separating the individual garden areas of Beech Cottage and Holly Cottage are very low, such that there are clear views into each garden. The elevated position of the ground floor windows also enables views of the rear garden areas. Accordingly, the proposal would not increase the level of overlooking to the neighbouring garden to the south and would therefore not result in a reduction in privacy for the occupiers.
26. Turning to the north, the appeal property adjoins The Carriage House. The proposal includes the provision of a decorative blank wall to the northern elevation of the orangery which I am satisfied would provide privacy for the occupiers of the adjacent property. It is also proposed to erect a one-metre-high glazed screen to the northern side of the patio. However, due to its elevation, a screen of this height would be insufficient to protect the privacy of

the neighbouring occupiers when in the garden. It could also be possible for users of the patio to see into the ground floor window at The Carriage House.

27. The appellant has suggested that the screen could be raised to 1.8 metres to mitigate any loss of privacy. However, a structure of this height extending above the existing garden boundary fence, would be likely to impact negatively on the visual amenity and setting of the listed building.
28. Accordingly, I conclude that the appeal proposal would cause harm to the living conditions of the occupiers of the neighbouring property. It would conflict with Saved Policy DC3 of the Macclesfield Local Plan and Policy SD2 of the Cheshire East Local Plan which seek to protect the amenities of nearby residential properties. As a result, the proposal would not be in accordance with the development plan.

Conclusion

29. For the reasons given above, and having had regard to all other matters raised, I dismiss these appeals.

Helen Hockenhull

INSPECTOR