



Appeal Decision

Site visit made on 21 September 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/R0660/D/21/3276156

11 Honiton Way, Middlewich CW10 9QS

- 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 Craig Baguley against the decision of Cheshire East Council.
 - The application Ref 20/5562C, dated 10 December 2020, was refused by notice dated 23 March 2021.
 - The development proposed is garage extension and boundary wall.
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Decision

1. The appeal is allowed, and planning permission is granted for a garage extension and boundary wall at 11 Honiton Way, Middlewich CW10 9QS in accordance with the terms of the application Ref 20/5562C dated 10 December 2020 subject to the conditions below:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans.

Main Issue

2. The main issue in the appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property is a brick built two-storey dwelling with a detached garage, in an area that is residential in nature.
4. The reason for refusal is based primarily on the loss of the green space area alongside the boundary to the property. The existing boundary wall was built set back from the footpath, and a planted area filled in the space between the wall and the footpath.
5. At the time of the application, the Council was not convinced that the area of land in question was in the ownership of the applicant and considered there was harm to the street scene by the loss of the planted area.

6. Subsequently, and as part of the appeal submission, the appellant has provided a title plan, which appears to show that the area of land in question is actually part of the curtilage to the appeal property, and as such, is under the ownership of the appellant.
7. This begs the question as to why the parcel of land was set out in that configuration, rather than being enclosed at the time of construction. However, whilst the parcel of land in question may have fulfilled a purpose, it is in private ownership, and the appellant is, subject to permissions regarding the boundary wall, entitled to bring that land within his overall curtilage.
8. As the Council had no objections to the design in relation to the garage extension or the boundary wall, the reason for refusal cannot be substantiated. In terms of the outward appearance, I have no reason to go against the findings of the Council, and therefore, in light of the ownership issue being cleared up, I consider that the works would not harm the character and appearance of the area.
9. In conclusion, I consider that the proposals are consistent with Policies SD2 and SE1 of the Cheshire East Local Plan Strategy (2017) which, amongst other matters, expects development to contribute positively to the character and identity of an area and achieve a sense of place by protecting and enhancing the quality of settlements. Policy SE6 is no longer relevant in this appeal as it relates to the preservation of green spaces.

Conditions

10. The Council have suggested the standard conditions if the appeal were to succeed, in relation to commencement, timing, and approved plans, in the interests of proper planning. I consider that no other conditions are required.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR