



Appeal Decision

Site visit made on 18 January 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/R0660/D/21/3286496

46 Blackhill Lane, Knutsford WA16 9DW

- 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 and Mrs Habberley against the decision of Cheshire East Council.
 - The application Ref 21/1320M, dated 9 March 2021, was refused by notice dated 22 September 2021.
 - The development proposed was originally described as '*side extension and alterations*'.
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Decision

1. The appeal is allowed and planning permission is granted for side extension and alterations at 46 Blackhill Lane, Knutsford WA16 9DW in accordance with the terms of the application, Ref 21/1320M, dated 9 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21.01A, AE03.
 - 3) The materials to be used in the construction of external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the Council's revised description on the decision notice was not agreed by the appellant. Therefore, I shall deal with the proposal on the basis of what is depicted on the application form, and that which the appellant originally applied for.
3. The appeal site is located within the Green Belt. However, the Council have not refused the proposal on inappropriate development in the Green Belt. Neither has the Council directed me to any local or national Green Belt planning policies. Therefore, I shall deal with the appeal on the basis of the evidence before me.
4. I have also had regard, and in accordance with Paragraph 30 of the National Planning Policy Framework (the Framework) in this appeal decision to the Knutsford Neighbourhood Plan, Referendum Version, Plan period 2010-2030,

made on 22 May 2019, which the Council provided as part of their appeal submission.

5. The appellant as part of the appeal submission has provided an additional drawing AE03, to clarify the boundary distances with No.44 Blackhill Lane (No.44). I do not consider that any parties interests would be prejudiced if I take this additional drawing into account. I shall therefore determine the appeal for planning permission on the basis of the plans at the time of determination, as well as the drawing submitted as part of this appeal.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

7. The appeal site is a detached two-storey dwelling located within a predominantly residential area where properties are located along the northern side of Blackhill Lane with open countryside to the south. The properties are of similar appearance with flat roof garages but vary considerably in their individual characteristics including gaps, with many having had alterations and later additions. Despite some variation in form, the properties in the area create a discreet arrangement that appreciably contributes to the character and appearance of the area.
8. The proposal would involve a single storey rear extension and modifications of the garage to facilitate a new two-storey side extension incorporating a garage, ground floor and first-floor accommodation. The Council have not raised any concerns regarding the rear extension, I will therefore focus my deliberations on the first-floor side extension. The proposed first-floor side extension would have a dropped ridge height to the main dwelling and would be set back from the main elevation, materials would match to the existing property. Therefore, the first-floor side extension would not appear overly dominant or as a disproportionate addition and would be seen as subservient to the host property.
9. The Council contend that the proposal would breach the 1 metre gap which is stipulated within Saved Policy DC43 of the Macclesfield Borough Local Plan, 2004, Saved by way of direction 2007 (MLP) to prevent the creation of a terraced street effect. Although, in close proximity to the boundary of No.44, the 'Delegated Report' sets out that the proposal would not result in a direct-terracing effect. I have no reason to disagree with this, particularly as a gap would remain at first-floor level at No.44 as there is no corresponding first-floor development. As such, it appears that the proposal would not be in conflict with the policy, which seeks to restrict side extensions to prevent the creation of a terraced street effect.
10. I observed at the time of the site visit there are several properties nearby that have been extended at first-floor level and gaps have been reduced considerably in size between properties. Therefore, the proposal would appear similar to other first-floor side extensions within the immediate area, including those along Blackhill Lane. Although similar development may have been approved under a previous development plan, they still form part of the character of the area, including those variations and reductions in gap sizes.

11. Moreover, there is considerable built form along the north side of Blackhill Lane and a variety of gaps, whether properties have been extended or not. Despite, this gap being reduced at first-floor level between the appeal site and No.44. The proposal would not undermine the open character of the area including towards the south or be an incongruous addition to the immediate locality and be detrimental to the area's prevailing character.
12. I acknowledge that No.44 may wish to extend first-floor to the side, which would close this gap between the properties and create a terracing effect. However, I have no evidence that a planning application is forthcoming, or permission has been granted for such works at first-floor. Therefore, it would be a future matter for the Council, and as such, I have given this little weight.
13. For the reasons given above, the proposal would not cause harm to the character and appearance of the surrounding area. It would accord with Saved Policy DC43 of the MLP and Policies SE1 and SD2 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, 2017, amongst other things the policies taken together require development proposals to make a positive contribution to their surroundings; contribute positively to an area's character and identity, creating or reinforcing local distinctiveness; and seeks to protect any terraced street effect.

Conditions

14. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance.
15. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed a condition specifying materials are to match the existing building in order to safeguard the character and appearance of the area.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

K A Taylor

INSPECTOR