



Appeal Decision

Site visit made on 19 January 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17/02/2022

Appeal Ref: APP/R0660/D/21/3283767

92 Heath Road, Sandbach CW11 2JY

- 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 Greenhouse – Greenhouse Property Management Ltd against the decision of Cheshire East Council.
 - The application Ref 21/2192C, dated 17 April 2021, was refused by notice dated 15 July 2021.
 - The development proposed is detached garage and home office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name on the planning application form is given simply as Greenhouse. I have therefore taken the appellant's title from the appeal forms.

Main Issue

3. The main issue is the whether the proposal would preserve or enhance the setting of the Grade II Listed Building at No 92 Heath Road.

Reasons

4. The Grade II Listed building at 92 Heath Road is a c1840 two-storey detached dwelling. Its significance mainly derives from its substantial form and distinctive traditional architecture which includes amongst other things red brick elevations in various bonds, blue roof tiles, a symmetrical 3 bay front elevation with centrally positioned gabled porch supported by 'four unfluted Roman Doric columns', sash windows with wedge lintels and stone sills and 'Gothic headed openings' to the side gables serving the loft space.
5. The listed building has been extended over time and is served by a detached garage which has accommodation above. These buildings are situated within a substantial irregular shaped plot which contains an extensive access drive taken from Silver Terrace and large gardens. The spacious gardens are integral to the listed building's grandeur and setting adding to its significance.
6. The layout of the previous extensions to the listed building, and the detached garage with accommodation above, have retained a spacious feel to the gardens serving the Listed Building. At the time of my visit, a recently approved detached garage and log store¹ had not been implemented. However,

¹ LPA Ref 20/2546C

I have been provided with the approved plans for that building. In that instance, the building has been sensitively designed in terms of its simple cart-shed style and its footprint which would only marginally encroach onto the lawns to the south of the listed building.

7. The garage and store element of the proposals would be substantively as previously approved. However, the provision of the home office and associated facilities would extend the building to form a more elongated L-shaped footprint. This would result in a substantial incursion into the lawn area, adversely affecting the historic relationship of the listed building with the openness of its gardens. In addition, the large and overtly modern glazed openings together with the overall size of the structure would not result in a building of subservient design. Consequently, the proposal would not positively relate to the listed building and would erode the spacious setting within which it has been historically experienced.
8. I accept that due to the position of the development towards the rear of the site, it would not be readily apparent from public vantage points. However, the development would be seen in views from the listed building and from the rear upper floor windows of the adjoining two-storey dwellings on Bailey Crescent and Brookland Drive. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views can be gained. In terms of 'setting', the Planning Practice Guidance (PPG) advises that: *'The contribution that setting makes to the significance of the heritage asset does not depend on their being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.'*²
9. My attention has been drawn to a High Court judgement³ with regards to the potential reversibility of the proposal. The judgement notes amongst other things that in that particular instance the Council was not solely reliant on reversibility in its judgement of impact. In any case, I accept that the proposal would not result in harm to the fabric of the listed building and could be removed from the site at an undetermined point in the future. Even so, this does not overcome the harm that would be caused to the setting of the listed building for as long as the development was to remain in situ, which could be for a considerable period.
10. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
11. Taking all the above factors into account, I find that the development would result in less than substantial harm to the setting of the listed building. The Framework does not require me to look at less than substantial harm on a spectrum. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public

² Paragraph: 013 Reference ID: 18a-013-20190723

³ R Buxton v Cambridge City Council [2021] EWHC 2028 (Admin)

benefits of the proposal including, where appropriate, securing its optimum viable use.

12. There is the potential that the home office would reduce the appellant's carbon footprint as a result of the reduced need to travel to work. The proposal could also result in some social and economic benefits related to the appellant's property management business and through the construction of the building. However, the appellant has acknowledged that these matters would only result in limited or modest public benefits. I must attach great importance and weight to the desirability of preserving the setting of the Grade II listed building. Therefore, there are no public benefits of sufficient weight to outweigh the less than substantial harm that would arise from the development on the setting of this heritage asset. The proposal would therefore be contrary to the Framework's policies concerning heritage assets, most particularly paragraphs 199, 200 and 202.
13. I conclude, the development would not preserve or enhance the setting of the listed building at the No 92 Heath Road. In that regard it would conflict with the design and conservation requirements of Policies SE1 (Design) and SE7 (The Historic Environment) of the Cheshire East Council Local Plan Strategy (2017) Policy HC1 (Historic Environment) of the Sandbach Neighbourhood Development Plan (made 2016), saved Policy BH4 (Effect of Proposals) of the Congleton Borough Local Plan First Review (2005) and the Framework.

Conclusion

14. The proposal would not preserve or enhance the setting of the listed building at No 92 Heath Road. It would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR