



Appeal Decision

Site visit made on 8 March 2022

by Paul Singleton BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2022

Appeal Ref: APP/R0660/D/22/3290813

5 CLARKE LANE, LANGLEY, MACCLESFIELD, SK11 0NE

- 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 Stephen Doyle against the decision of Cheshire East Council.
 - The application Ref 21/1756M, dated 20 March 2021, was refused by notice dated 19 November 2021.
 - The development proposed is first floor rear bathroom extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether the proposal would be inappropriate in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - b) The effect on the character and appearance of the dwelling and the terrace of houses in which it is located as non-designated heritage assets; and
 - c) The effect on the living conditions of the occupiers of the adjacent dwelling at Number 6 Clarke Lane with regard to outlook and overshadowing.

Reasons

Green Belt

1. Paragraph 149 of the National Planning Policy Framework (Framework) states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt other than in a limited set of circumstances. One of those exceptions (at sub-paragraph c)) is "*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*". The glossary to the Framework advises that "*original building*" means the building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally." The Cheshire East Local Plan Strategy (CELPS) incorporates much of paragraph 149 and other parts of section 13 of the Framework into the wording of Policy PG3 which relates to the control of development in the Green Belt.

2. Saved policy GC12 of the Macclesfield Borough Local Plan (MBLP) applies to proposals for the extension or alteration of existing houses both in the Green Belt and in the open countryside beyond the Green Belt. This states that permission may be granted for extensions of up to 30% of the original floorspace provided that the scale and appearance of the house is not significantly altered. It sets out three exceptions where this floorspace limit should not be applied. These include whether the proposal lies in a group of houses and the extension would be prominent, and whether the extension is to provide basic amenities or additional bedroom or living room in a small cottage.
3. In its Officer Report, the Council states that the additional floorspace comprised in the existing ground floor extension and the appeal proposal would, cumulatively, amount to approximately 22 square metres, representing an increase of about 51% over and above the floorspace of the original building. The report concludes that the proposal breaches the 30% limit and does, therefore, constitute inappropriate development. As the cottage already has the usual basic facilities the proposal was deemed not to fit within the exception set out in Part 2 of Policy GC12.
4. The reasoned justification for Policy GC12 explains that it is based on national policy in Planning Policy Guidance Note (PPG) 12, published in 1995. That guidance was superseded by the Framework in 2012 and the Framework itself has been revised since its initial publication. Paragraph 149 c) of the Framework refers to all buildings in the Green Belt, not just to dwellings, and does not include any requirement to consider the effect on the scale or appearance of the building when determining whether or not a proposal would amount to inappropriate development. Nor does it provide for exceptions to the presumption against inappropriate development on the basis of whether or not the building is part of a group, is ribbon development, or whether the proposed addition would be prominent. Accordingly, I consider that Policy GC12 is not consistent with the Framework and should be afforded only limited weight. I have, therefore, considered the proposal primarily against CELPS Policy PG3 and the Green Belt policies in the Framework.
5. The key test in paragraph 149 c) and part iii) of Policy PG3 is whether the proposal would result in disproportionate additions over and above the size of the original building. I consider that both the increase in floorspace (of around 50%), and the significant increase in the volume of the cottage that would arise from what would become a two-storey, full width extension at the rear, provide good reason to conclude that the appeal proposal would result in such a disproportionate addition. The proposal does, therefore, amount to inappropriate development in the Green Belt.
6. Paragraph 147 of the Framework advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Although the additional space provided by the extension, and the opportunity this might provide for relocating the existing bathroom, would provide benefits for the appellant these private benefits do not amount to the very special circumstances needed to justify a grant of planning permission. The proposal, therefore, conflicts with CELPS Policy PG13 and with the policies in section 13 of the Framework. A conflict also arises with MBLP Policy GC12, but I give only limited weight to that conflict for the reasons already set out.

Character and appearance

7. I acknowledge the appellant's willingness to amend the external materials and roof form proposed in the application submission so that these are more in keeping with the rear elevation of the terrace. As most of the neighbouring cottages have single storey extensions faced in a mixture of stone, brick and render it would be possible to reduce the visual impact of the proposal in this way. However, even with that adjustment, a full-width extension above the existing ground floor extension would result in an addition that is out of proportion with the original building. The extension would obscure the natural stone elevation at the upper level of the cottage and breach the existing eaves and gutter line. In so doing, it would interrupt two key features that provide visual uniformity to the rear elevation of a traditional terrace that dates from the mid-19th century or earlier. The proposal would appear as an incongruous and intrusive element in that rear elevation.
8. As a result, the extension would harm the character and appearance both of the appeal property and of the terrace as a whole and would diminish the heritage value of the cottages as non-designated heritage assets. It would not be seen from the public highway but the harm to the historic integrity of the terrace would be apparent to neighbouring occupiers when using their rear gardens. The proposal conflicts with MBLP Policy BE2, which states that development which would adversely affect the historic fabric will not be permitted, and Policy DC2, which requires that extensions should respect the existing architectural features of the building. It conflicts with CELPS Policies SE7, which requires that development should avoid harm to heritage assets, and SE1 which seeks that new development should make a positive contribution to its surroundings and ensure a sensitivity of design in close proximity to designated and local heritage assets. It also conflicts with Policy SD2 which requires that development should contribute positively to an area's character and identity.

Living conditions

9. My observations on my site inspection support the Council's view that the proposed extension would breach the 45 degree rule with regard to its relationship with the adjacent cottage at No. 6 Clarke Lane. It would overshadow the bedroom window at the rear of that property. This is wider than the rear bedroom window in the appeal property and some of the other cottages and that the rear elevations are south facing. However, I consider that the proposal would result in some loss of daylight and sunlight reaching that bedroom. Due to its location on the shared boundary and its height and bulk, the proposal would also have an overbearing effect on the outlook from that window. The extension would be sufficiently distant from the rear windows to No. 4 Clarke Lane so as not to cause harm to the amenity of that dwelling.
10. The proposal would, accordingly, cause detriment to the living conditions of the occupiers of No. 6 and conflicts with MBLP Policy DC3, which requires that development should not injure the amenities of nearby property. I do not find any conflict with the CELP Policies cited in the second reason for refusal as these do not appear to be concerned with the effects on daylight and outlook. However, for the reasons given above, the proposal conflicts with the development plan as a whole.

Other Matters

11. As part of my site visit I viewed the two nearby properties referred to in the appellant's statement. I do not consider that the recent development undertaken at either of those locations is directly comparable to the appeal proposal. The new house at Highlow Farm appears to have replaced a previous building(s) on the site and would, accordingly, have been considered under a different part of paragraph 149 of the Framework and a different section of CELPS Policy PG3. At No. 62 Langley Road the majority of the houses in that terrace have both ground floor and first floor extensions. It seems that very little of the original rear elevation of the terrace would have been visible, even before the first floor addition to No. 62. The immediate context of that property is, therefore, different from that of the appeal site.
12. Although the proposal would provide benefits to the appellant in terms of additional living accommodation, those benefits do not outweigh the harm that I have identified nor provide a sound reason to determine the appeal other than in accordance with the development plan

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR