



Appeal Decision

Site visit made on 14 March 2022

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2022

Appeal Ref: APP/A0665/D/21/3289186

Hollythorn Cottage, Old Hall Lane, Hargrave, Cheshire CH3 7RT

- 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 Iain Murray against the decision of Cheshire West and Chester Council.
 - The application Ref 21/01706/FUL, dated 17 May 2021, was refused by notice dated 6 October 2021.
 - The development proposed is Two Storey Side Extension and Replacement Garage.
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Decision

1. The appeal is dismissed insofar as it relates to the two-storey side extension.
2. The appeal is allowed insofar as it relates to the replacement garage. Planning permission is granted for the replacement garage at Hollythorn Cottage, Hargrave CH3 7RT in accordance with the terms of the application, Ref 21/01706/FUL, dated 17 May 2021, so far as relevant to that part of the development hereby permitted and 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: 02/21/004, Site Location Plan 1:1250 and Site Plan 1:500.
 - 3) No development comprising the replacement garage shall commence until details of the materials to be used in the construction of the external surfaces of the garage hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary Matters

3. I am satisfied that the two elements of the appeal development comprising the extension and replacement garage are physically and functionally capable of being implemented in isolation of each other and the elements thus severable. I have considered the appeal on this basis.

Main Issue

4. The main issue in this appeal is whether the two-storey extension would have an unacceptable effect on the character and appearance of the host dwellinghouse.

Reasons

5. The appeal proposal would see the erection of a replacement garage occupying the same footprint as the existing garage located on the edge of the lane leading up to the property. The Council has no objection to this part of the development, and I have no reason to disagree with its assessment and conclusions in this regard.
6. The matter of contention relates therefore to the proposed two-storey extension to the side of the appeal property. Reference is made by the appellant to a potential fall-back position under permitted development whereby a large single storey extension could be built without planning permission. However, the attractively designed upper storey to the side elevation comprising of a stepped corbelled chimney stack, sculpted rafter feet and traditional window would remain should that alternative be pursued.
7. The Council's concerns relate to the cumulative increase in size of the property arising from previous extensions carried out to the dwelling coupled with what is now proposed, which would, according to the Council, result in an increase in the size of the dwelling by some 81%. It is claimed that this increase would be well above the 30% increase that is tolerated under local policy and would affect the policy aim of maintaining an appropriate range of dwelling sizes and types deemed necessary to enable a diverse and inclusive community within the rural area. However, the appellant maintains that other properties in the area have been extended in a not dissimilar vein.
8. In my view, the Council has been unable to demonstrate that the already enlarged property with the addition of the proposed side extension would seriously undermine efforts to provide an appropriate range and mix of house types in the area and so the case for resisting the appeal proposal on this ground alone is not at all convincing. I am not satisfied that Policies SOC 3 or DM 20 of Cheshire West Council Local Plan Parts 1 & 2 (CWCLP) applies to extensions in any event. No new residential development is proposed here and certainly no major development will arise as a result of the appeal proposal.
9. From what I gleaned at my site visit, the property is already large as a consequence of previous permissions. That said, the extensions permitted are well designed and presented to the rear of the property; they do not upset the balance and rhythm of this once traditional cottage, which means that the property retains an attractive and characterful quality. The proposed two storey extension would however, create a confused and contrived appearance; it would fail to respect the scale and character of the host property when viewed from the front. Further, the masking of the last architectural features of the traditional gable to the property as noted above would in my view further erode the character and appearance of this once attractive rural cottage. In turn, the proposal would have an unacceptable effect on the character and appearance of the area.
10. I fundamentally disagree with the appellant's contention that the proposed extension has any of the hallmarks of being an outstanding or innovative design or would help raise the standard of design more generally in the area as advocated by the National Planning Policy Framework.
11. Accordingly, whilst I am unable to see the relevance of Policies SOC 3 and DM20 of the CWCLP in terms of an extension leading to any serious

undermining of the Council's desire to maintain an appropriate range of house types, I find that the proposal would fail to accord with CWCLP Policies ENV 6, DM3 and DM21. These latter policies collectively seek to ensure that developments within residential curtilages are designed to respect the character and appearance of and be subordinate to the original dwellinghouse and thus in turn, protect the character and appearance of the area more widely.

12. As I have found in favour of the replacement garage, I have attached conditions relating to the need to adhere to the approved plans in respect of the garage only in order to provide certainty and the requirement that the prior approval of external materials to the garage is sought from the Council.

Conclusion

13. For the reasons given above, I dismiss the appeal in so far as the two-storey side extension is concerned but allow the appeal in relation to the replacement garage.

Gareth W Thomas

INSPECTOR