
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: 28 March 2022

Appeal Ref: APP/R0660/D/22/3291456

81 ROBIN LANE, LYME GREEN, MACCLESFIELD, SK11 0LF

- 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 & Mrs T Rhodes against the decision of Cheshire East Council.
 - The application Ref 21/3411M, dated 22 June 2021, was refused by notice dated 12 November 2021.
 - The development proposed is replacement conservatory to rear elevation, first floor side/rear extension and re-roofing to existing roof to dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I requested that the parties provide additional information about the floorspace comprised in the original dwelling, existing extensions and additions, and the first floor extension proposed in the appeal scheme in order to assist my assessment of whether or not the proposal complies with national and local planning policy concerning development within the Green Belt. I also invited them to set out their comments about the degree to which one of the saved policies in the Macclesfield Borough Local Plan (MBLP) is consistent with the Green Belt policies in the National Planning Policy Framework (Framework) and the weight to be given to that policy. I have had regard to the additional submissions received in my determination of the appeal.
3. The proposed conservatory would be a replacement for an existing one that is of much the same footprint and height. This element of the proposal has not been objected to by the Council.

Main Issues

4. The main issues are:
 - a) Whether the proposal would amount to inappropriate development in the Green Belt;
 - b) The effect on the character and appearance of the dwelling and the street scene; and
 - c) The effect on the living conditions of the occupiers of Number 79 Robin Lane with regard to overshadowing and the outlook from that dwelling.

Reasons

Green Belt

5. Paragraph 149 of the 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 the term *"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 14 of the Framework into the wording of Policy PG3 which relates to the control of development in the Green Belt.
6. 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. In the officer report, the Council states that, as the appeal property is within a well-established ribbon of development and the proposed first floor extension would not be prominent, the proposal meets one of the possible exceptions to the floor space limit as set out under Policy GC12. The Council accordingly concluded that the proposed extension does not constitute inappropriate development in the Green Belt.
7. The reasoned justification for Policy GC12 explains that it is based on national policy in Planning Policy Guidance Note (PPG) 2, 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 further exceptions to the presumption against inappropriate development, in cases where the proposal would result in disproportionate additions to the size of the original building, 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.
8. I note the Council's comments that the further exceptions identified within Policy GC12 were also not included in the previous government policy as set out in PPG2. However, I consider that, insofar as it applies to proposals within the Green Belt, Policy GC12 is not fully consistent with the Green Belt policies in the Framework and that limited weight should be given to that policy. For these reasons, greater weight should be given to CELPS Policy PG3 and the Framework than to saved MBLP Policy GC12.
9. The relevant test in both part iii) of Policy PG3 and paragraph 149 c) is whether, taking account of any previous extensions since 1948, the proposal would result in disproportionate additions to the size of the original building. There is some discrepancy in the information provided by the parties as to the floorspace of the original dwelling, existing extensions (including the conservatory that is to be replaced) and the first floor extension proposed as

part of the scheme. Even using the appellant's more conservative estimate, the floorspace of the original dwelling has been increased by 56.7% as a result of the existing extensions and additions. The floorspace comprised in the first floor extension now proposed would provide an extra 12 square metres of floorspace and lead to a cumulative increase of 72.9% over and above that comprised in the original building.

10. I agree that the Framework does not set any maximum percentage increase in relation to extensions and additions to buildings in the Green Belt and that the 30% figure used in Policy GC12 is only a guide. However, in my assessment, a cumulative increase of 72.9% does represent a very significant addition to the floorspace of the original building. I also saw on my site visit that the existing and proposed extensions in combination would also lead to a substantial increase in the volume of the dwelling. In my view, the proposal would result in disproportionate additions to the size of the original building and constitute inappropriate development in the Green Belt. My observation of the neighbouring properties suggests that these have not been extended by so substantial a degree.
11. 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 would be of benefit to the appellant this does not amount to very special circumstances 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.

Character and appearance

12. Although extending up to eaves level, the first floor extension would appear as subservient to the existing house and would be finished in materials to match the existing external elevations. However, and notwithstanding that it would be set back from the main front wall of the dwelling, the first floor addition would be seen from the road and pavement. In that view the plain brick façade of the proposed extension would appear as a stark element in the front elevation of the dwelling. The disjointed roof pitch of the completed development would have an awkward appearance. I agree that these elements of the scheme would cause detriment to the character and appearance of the host building and detract from the street scene in this section of Robin Lane.
13. Accordingly, the proposal gives rise to a conflict with MBLP Policy DC2 which requires that proposed extensions should respect the existing architectural features of the building. It also conflicts with CELPS Policy SE1, which states that development proposals should make a positive contribution to their surroundings, and Policy SD2, which states that all development will be expected to contribute positively to an area's character and identity.

Living conditions

14. As the adjacent dwelling, No. 79 Robin Lane, is set forward of No. 81 by some distance, the side elevation of the ground floor extension to the appeal property already creates a sense of enclosure to the area immediately outside the back door of the neighbouring house. The first floor addition would not extend up to the line of the rear wall to No. 79 and its eaves would be lower than those of the existing house. However, this upwards extension of brickwork on the shared boundary would further increase that sense of

enclosure and have an overbearing effect on the outlook from the rear door and kitchen windows.

15. As noted in the Council's assessment, the proposal would breach the 45 degree rule with regard to its relationship with the adjacent dwelling and result in some overshadowing of the rear window to the kitchen at No. 79, thereby reducing the amount of light received in the kitchen. It would also adversely affect the outlook from that room. The proposed extension would, therefore, have a unacceptable impact on the living conditions of the future occupiers¹ of that property.
16. As a result of this impact the proposal conflicts with MBLP Policy DC3 which states that development should not significantly injure the amenities of adjoining residential property, including by means of having an overbearing effect or reducing daylight and sunlight.

Other Matters

17. As noted above, I acknowledge that the proposal would benefit the appellant by increasing the area of living accommodation within the dwelling. However, this private benefit is not sufficient to outweigh the harm that I have identified or the resultant conflict with the development plan.
18. I have considered the option of a split decision which grants planning permission for the replacement conservatory which has not attracted any objection from the Council or any other party. However, it seems to me that the proposal to replace this in a different built form is closely linked to the proposal to erect a first floor addition above the existing ground floor extension to the rear of the house. A split decision would not, therefore, be appropriate in this case.

Conclusion

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

Paul Singleton

INSPECTOR

¹ At the time of my visit the property was empty and had a 'For Sale' sign outside.