



Appeal Decision

Site visit made on 5 May 2022

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2022

Appeal Ref: APP/A0665/D/22/3292902

The Old Smithy, Holmes Chapel Road, Lach Dennis, Northwich, CW9 7SZ

- 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 Andrew Dugdale against the decision of Cheshire West & Chester Council.
 - The application Ref: 21/02292/FUL dated 27 May 2021, was refused by notice dated 24 November 2021.
 - The development proposed is demolition of existing outbuilding and replacement with new garage building, including associated hard and soft landscaping to the front of the existing dwelling.
-

Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing outbuilding and replacement with new garage building, including associated hard and soft landscaping to the front of the existing dwelling at The Old Smithy, Holmes Chapel Road, Lach Dennis, Northwich, CW9 7SZ, in accordance with the terms of the application, Ref: 21/02292/FUL dated 27 May 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: 3246: 000 Rev A (Site Plan); 3246: 001 Rev A (Garage Plans).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 4) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) Order 2015* (or any Order revoking or re-enacting that Order), before the building is brought into use the first-floor roof lights in the west and east facing roof slopes of the approved development shall be non-opening below 1.7m (when measured above internal floor level), glazed with obscure glass to a minimum Pilkington Privacy Level 3 or equivalent, and thereafter retained as such. No other windows or openings shall be introduced in the west and east facing roof slopes or elevations without the express written consent of the Local Planning Authority.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and surrounding area.

Procedural Matter

3. Whilst the application was being considered, revised plans were submitted in attempt to address concerns raised by the Council. The revisions include a reduction in the length of the building, setting the building further into the plot, and the addition of soft landscaping. Taking them into account would not materially prejudice the interests of the parties, and I have considered the appeal on the basis of the revised plans.

Reasons

4. The appeal property is one of a number of dwellings of varying styles and ages on the north side of the main road in a semi-rural location within an area designated as countryside. In such locations Policy STRAT9 of the *Cheshire West and Cheshire Local Plan Part One* (LP1) says development must be of an appropriate scale and design so as not to harm the character of the countryside. LP1 Policy ENV6 requires development to respect local character and achieve a sense of place through layout and design, and Policy DM3 of the *Local Plan Part Two* (LP2) has similar aims.
5. More specifically LP2 Policy DM21 says, amongst other things, that development within the curtilage of a dwelling will only be supported where it is in keeping with and subordinate to the character and appearance of the host dwelling and its wider setting. Such an assessment will take account of scale, height, massing, materials, visual appearance and landscaping. This approach follows through into the *Supplementary Planning Document on House Extensions and Domestic Outbuildings* (SPD), which says extensions and outbuildings that are sufficiently subordinate to the main dwelling will be supported, adding that the design, scale and dimensions of the main house will inform that of the proposed development.
6. The proposed garage would be located forward of the existing garage, which is the only outbuilding within the front garden environment in this group of dwellings. However, this is due to the history of the site whereby the existing garage was the original dwelling on the plot, subsequently being converted to garage use when the replacement dwelling was built behind it.
7. Although the proposed building would be wider and higher than the existing, it would be shorter in length. However, the increase in height (1.2m), and width (0.8m) are modest, and in my view would not result in the building being unacceptably dominant or obtrusive in the street scene. Furthermore, any impact would be lessened by the building being set back further into the site, the excavation of ground to provide a lower base floor level, and the proposed new planning between the building and the highway.
8. By being located close to the western boundary, the proposed building would reveal more of the frontage of the dwelling (which is now largely hidden from public vantage points by the existing building). However, this factor is not harmful in itself, and I am satisfied that the building would still appear as being subordinate to the main dwelling.

9. Paragraph 130 of the *National Planning Policy Framework* says planning decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character and the surrounding built environment. In this case, I am satisfied that the proposal represents an acceptable design solution that would not undermine the architectural integrity of the host dwelling and would complement the character and appearance of the area to which it relates. As such I find no conflict with LP1 Policies STRAT9 and ENV6, LP2 Policies DM3 and DM21, and advice in the SPD.
10. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. In addition to the standard time condition, a condition requiring matching materials is needed in the interests of the character and appearance of the area. A condition is needed to secure compliance with the submitted (revised) plans for the avoidance of doubt and in the interests of proper planning. The condition which would remove normal permitted development rights for the introduction of windows on the east and west facing elevations, and for the approved roof lights to be non-opening and obscure glazed, is justified in order to safeguard the privacy of neighbouring residents.

Conclusion

11. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR