



Appeal Decision

Site visit made on 1 November 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/A0665/W/22/3302677

Woodhaven, Wash Lane, Allostock, Northwich WA16 9JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (section 73) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Oliver Dennis against the decision of Cheshire West and Chester Council.
 - The application Ref 21/04580/S73, dated 5 November 2021, was refused by notice dated 13 May 2022.
 - The application sought planning permission for the conversion of space above existing garage into a first floor annex without complying with a condition attached to planning permission Ref 21/01083/FUL, dated 9 September 2021.
 - The condition in dispute is No 2 which states that: *'The development hereby permitted shall be carried out in accordance with the following approved plans: - Proposed Annex - Drawing No. P-200 - Proposed Design - Drawing No. SK-001 - Proposed Elevations - Drawing No. SK-002'*.
 - The reason given for the condition is: *'For the avoidance of doubt and in the interests of proper planning'*.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of space above existing garage into a first floor annex at Woodhaven, Wash Lane, Allostock, Northwich WA16 9JT in accordance with application Ref 21/04580/S73 without compliance with condition number 2 previously imposed on planning permission Ref 21/01083/FUL, dated 9 September 2021, but subject to the following conditions:
 - 1) The development hereby permitted shall be begun before 9 September 2024.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan – Drawing No. P-001, Proposed Annex - Drawing No. P-200 Rev 02, Proposed Design - Drawing No. SK-001 Rev 03 and Proposed Elevations - Drawing No. SK-002 Rev 03.

Background and Main Issue

2. Planning permission was granted for the conversion of space above the existing detached garage into a first floor annex, subject to condition 2, which requires the development permitted to be carried out in accordance with the approved plans. The appellant seeks to revise the design of the building to include 4 dormer windows within the approved garage's roof.

3. The main issue is the effect of the revised design on the character and appearance of the dwelling and the surrounding area.

Reasons

4. The appeal relates to a triple detached garage that sits within the spacious grounds of a large detached dwelling known as 'Woodhaven'. Whilst the appeal site is located in the countryside, there are residential properties nearby. Woodhaven also appears to have already been significantly extended and externally altered. It has 2 front and 2 rear dormers in the main bungalow element of the dwelling, which along with the detached garage sits behind tall timber gates, brick piers and a combined low wall and hedgerow. All of these factors combine to give the site a decidedly domestic rather than agricultural appearance.
5. It is uncontested that other than for the introduction of the proposed dormers the size, scale, design and position of the detached garage would be similar to that previously granted permission (Ref: 21/01083/FUL). I also recognise that, following planning officer concerns, dormers were removed from the previous scheme prior to its approval. However, I consider that the scale of change from what was previously approved would be relatively modest.
6. The existing dormers are positioned approximately a metre higher than the eaves level of the dwelling and within taller roof planes than those in the proposed detached garage. Nevertheless, the proposed dormer windows have been designed to reflect the style and proportions of the dwelling's dormers. They would not exceed the ridge height and would all be noticeably set back from the eaves and set in from the gable ends of the garage. As a result, they would appear relatively balanced and be proportionate in size relative to the roof planes that they would sit within.
7. The garage would also be of a smaller size and scale than the main bungalow element and frontage of the dwelling and would be set well back from it. All of these factors, when combined with the degree of separation between the buildings would ensure that the proposal would appear subordinate to the main dwelling. Although it would be visible from some public vantage points, for the reasons above, it would not appear conspicuous or harmful in the context of the domestic character and appearance of the existing buildings on the site.
8. As such I find that the revised design would not have an unacceptably harmful effect on the character and appearance of the dwelling and the surrounding area. It would therefore not conflict with Policies DM3 and DM21 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (2019). These require, amongst other things, for development to be designed to respect the scale, character and appearance of, and is subordinate to, the original dwelling, and the wider setting.
9. It would also accord with design advice within the Council's House Extensions and Domestic Outbuildings Supplementary Planning Document 2021. This requires proposals for new domestic outbuildings to be proportionate to and reflect the style and character of the original dwelling.
10. The appeal should therefore be allowed and a new planning permission is granted, varying the disputed condition but retaining those non-disputed conditions from the previous permission that appear still to be relevant.

However, section 73 cannot extend the time of an application and condition 1 is therefore revised so that development commences within 3 years of the date of the original permission. Condition 2 also ensures that the development permitted is carried out in accordance with the approved plans. As such, a separate condition requiring that the external materials are constructed in accordance with the details specified in the approved plans and the application form is not necessary as it repeats this requirement.

Mark Caine

INSPECTOR