

Appeal Decision

Site visit made on 6 December 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2023

Appeal Ref. APP/A0665/D/22/3307709

6 Ash Close, Lower Peover, Knutsford WA16 9GJ

- 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 Nick Ratcliffe against the decision of Cheshire West and Chester Council.
 - The application ref. 21/04173/FUL, dated 21 September 2021, was refused by notice dated 18 August 2022.
 - The development proposed is "Erection of Car Barn".
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Decision

1. The appeal is dismissed.

Main issue

2. The principle of building an outbuilding or car barn is not at issue. A mature horse chestnut tree on the site's northern boundary was evidently removed after the application was originally submitted. It was not subject to a tree preservation order and the Council would have taken the pragmatic approach of requiring replacement planting at a ratio of at least 2 new trees for the one lost, had the scheme been found to be otherwise acceptable. I see no reason to take a different stance on the matter of the tree.
3. The main issue to be considered is therefore the effect of the proposed car barn upon the character and visual amenity of the local area.

Reasons

4. My assessment of the main issue is based on the most relevant policies of the development plan, which includes the Council's Local Plan Part One (LP1) and Part Two (LP2), and takes into account all other material considerations including the Supplementary Planning Document: *House Extensions and Domestic Outbuildings* (SPD), the National Planning Policy Framework (the Framework) and the National Design Guide (the NDG).
 5. Ash Close and Oak Tree Lane are cul-de-sacs of detached houses of very recent origin within the small settlement of Swan Green. Ash Close, the shorter
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- of the 2 cul-de-sacs, terminates at the front garden of no. 6. The proposed car barn would be erected in the northern side garden of the appeal property.
6. The double-garage barn building proposed would have 2 floors. There would be ancillary accommodation above and behind the indoor car parking spaces. It would be of wooden construction with first floor windows in the front and rear end elevations. The roof be part-hipped and part-gambrel in style. The Council said that by reason of its scale, siting and appearance, the proposed outbuilding would represent a disproportionately large, discordant and incongruous development which would not respect the character or protect the visual amenity of the local area.
 7. LP2 Policy DM 21 carries with it a degree of importance as it directly covers development within the curtilage of a dwelling house. This explains that proposals for the construction of ancillary outbuildings will be supported only if, taking into account any previous development to the original building or within its curtilage, they meet several criteria. In this case, only the first criterion has any real relevance; this requires that the resulting development is in keeping with the character and appearance of, and is subordinate to, the original dwelling and surrounding properties, and the wider setting.
 8. Whilst the local building pattern along Ash Close and Oak Tree Lane includes a number of outbuildings or garages, I saw nothing to directly compare with the 2-storey outbuilding proposed. The other garages and car port structures I saw were smaller and simpler in form and appearance, being single-storey buildings with pitched roofs and brick or timber walls. Many garages are also integral to the dwellings as provided for in House Type B at 6 Ash Close. A large, single-storey outbuilding is under construction at no. 5 presumably under permitted development rights. There are no binding local precedents for the appeal proposal in the available evidence put before me.
 9. When considering local character and the surrounding built environment, the important point is that many reasonable observers would compare the proposed outbuilding to an additional 2-storey dwelling or dormer bungalow in terms of its design and outward visual qualities, regardless of how it was eventually used internally. That is also reflected in some of the representations I have read from Lower Peover Parish Council and local residents.
 10. Whilst I understand the dictionary definition of the adjective "*subordinate*" to mean lower in order, rank, nature, power, importance etc, there still has to be a planning judgement made as to whether the proposed car barn would be sufficiently subordinate to the original dwelling and surrounding properties. The car barn would be substantial in terms of its footprint, height, floor space and volume. As a general guide, the explanation to LP2 Policy DM 21, which should not be ignored, says that subordinate and small-scale outbuildings should not increase the size of the original dwelling by more than 30%. Using the floor space measurements for House Type B, just the ground floor of the proposed car barn would roughly equate to a 30% increase in the size of the original dwelling. Thus, the whole of the upper floor space would be in excess of the general guideline in the policy explanation. This is not a marginal result. In addition to its outward appearance as a separate 2-storey dwelling or dormer bungalow, this confirms to me that the 2-storey outbuilding proposed would not be sufficiently subordinate in visual or planning policy terms.

11. Although the proposed building would be set back from the front elevation of the host dwelling and be located in the side garden, it would still be prominent in public views from the head of the cul-de-sac, especially as the northern end of Ash Close turns towards no. 6 and a garden building with this height, scale, upper floor fenestration and roof design is not a feature repeated in this area. By reason of its scale, appearance and siting very close to the house and the northern site boundary, the outbuilding would appear as a dominant and incongruous addition within the garden of the host dwelling. It would be out of keeping with the surrounding physical context and pattern of garden developments and by appearing disproportionately large and discordant having regard to the character of the area, it would neither add to the overall quality of the area nor be sympathetic to local character.
12. I therefore find on the main issue that the proposed car barn would be materially harmful to the character and visual amenity of the local area. The development would not deliver high quality design and would conflict with the aims of LP1 Policy ENV 6 and LP2 Policies DM 3 and DM 21. Good design is also a cornerstone of the Framework, the NDG and the SPD.
13. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions.
14. I note that the proposal would provide secure off-street car parking for vehicles owned by the appellant and ancillary accommodation for the existing house including a home office for the appellant who has received medical advice that where possible he should work from home. However, I have reached the conclusion that none of these material considerations are sufficient to outweigh the harm that I have described. For the reasons given above and taking into account all other matters raised, I dismiss the appeal.

Andrew Dale

INSPECTOR