

Appeal Decision

Site visit made on 14 March 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal ref: APP/R0660/D/22/3309260

52 Main Road, Wybunbury CW5 7LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mr Adrian Vass against the decision of Cheshire East Council.
 - The application, ref. 22/0876N, dated 3 March 2022, was refused by a notice dated 29 July 2022.
 - The development proposed is the construction of a two storey rear extension, entrance modifications and store above garage.
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Decision

1. The appeal is dismissed. Planning permission for the proposed extension to No. 52 Main Road is refused.

Main issue

2. The main issue in this appeal is whether or not the proposed development is of a size and design out of character with the existing dwelling and appear as a subordinate extension to the original dwellinghouse. The possible loss of light and an overbearing effect on the neighbouring dwelling is also a consideration.

Reasons

3. The appeal dwelling, No. 52 Main Road, (B5071), is within Wybunbury Conservation Area. Buildings within the Conservation Area along Main Road are mostly housing, detached, semi-detached and terraced - a pleasing mixture of designs and sizes, most with short front gardens to the edge of the footways each side. Some of the housing to the east, further into the Conservation Area along Main Road fronts directly onto the road. In Conservation Areas, special attention is to be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. No. 52 is a semi-detached red brick built 2 storey dwelling with a pitched roof. An earlier matching 2 storey extension has been built to the rear of the original house, extending some way to the western side. A red brick built pitched roof outbuilding is set well back on the western boundary. There is a long rear garden at the back of the house.
5. The Council's reason for refusing the appeal project was based on a concern that it would create additions to the dwelling which would more than double the size of the original dwellinghouse. It would not respect the setting, design,

scale or form of the dwelling. That would be contrary to policy RES.11 of the Crewe and Nantwich Replacement Local Plan, SD1, SD2 and SE1 of the Cheshire East Local Plan Strategy and the guidance set out in the Extensions and Householder Development SPD and in Policy H4 of the Wybunbury Neighbourhood Plan. The emphasis of that policy background is that development is expected to contribute positively to an area's character and identity; that extensions are to be subservient to the main building and that there would be no significant adverse effect on the amenities of neighbouring dwellings through overlooking, loss of light or outlook, over-dominance or general disturbance.

6. The Council's Heritage Team consider the building at No. 52 to be a non-designated heritage asset as well as of significance to the special character of the Conservation Area, (a designated heritage asset). The Council pointed out that the application was submitted without a heritage statement. A request for one was made, but appears to have been not provided. It was reasonable for the Council to conclude there was insufficient information to assess the impact on the Conservation Area and the building itself and whether the proposed works would adversely affect their character and significance as both designated and non-designated heritage assets. The Council pointed to para. 194 of the National Planning Policy Framework, (NPPF), which states that in determining applications, a local planning authority should require an application to describe the significance of any heritage assets affected. That this was not done somewhat militates against granting planning permission for Mr Vass' project.
7. Whilst most of the work would be at the back of the house, the façade would be altered to some degree, with changes to doors and windows and a front door surround. The Council's Heritage Officer considered that the frontage alterations could impact on the character of the building and the Conservation Area. That may be, but I consider that the appeal enlargement proposals to the dwelling at No. 52 unlikely to significantly harm the road facing façade, especially if details were agreed. Whilst the rear extensions having no increased ridge heights would be almost entirely hidden, the near 2m increased height outbuilding would be seen from Main Road albeit with a restricted view. It might be of greater utility, but at a cost of losing its pleasing proportions.
8. Of greater concern, the projected rear extensions to No. 52 would be large scale, projecting some 10m out at 2 storey level, more than doubling the volume of the original dwelling. Conflict would therefore arise with local policy RES.11 - IMPROVEMENTS AND ALTERATIONS TO EXISTING DWELLINGS. That says: "In ... conservation areas ... the original dwelling must remain as the dominant element with the extension subordinate to it ...". The justification to the policy says: "The original dwelling must therefore remain as the dominant element, that is the extension must not result in the creation of a dwelling that is double or more than double the size of the original dwelling.". The original dwelling is defined in the case of this old house is as it existed on 1 July 1948. Even though most of the appeal project structures would be hidden from public viewpoints, the failure to comply with policy RES.11 is unassuaged.
9. Policy RES.11 also says the alterations to the dwelling should not result in a loss of amenity to neighbouring properties, by reason of its scale or location, (in accordance with policy BE.1). The proposed extension would extend 10m from the original rear elevation at 2 storey height, close to the boundary with

- No. 50. The extension would replace the existing utility room and porch with a large open plan lounge/dining room and kitchen and with a long room above, effectively filling the gap to next door at No. 50. Perhaps because a requested block plan was not supplied, it is unclear as to whether the No. 52 rear extension would not materially reduce the light to the rear and side windows of No. 50.
10. Extensions and outbuildings to the properties on each side of the rear of No. 52 are unusually extensive. It may be that a sizeable extension can be built to the rear of No. 52 without causing undue harm to neighbouring amenity. But that was not been made sufficiently clear on the information before me. I am not satisfied that it has been shown that the appeal project would not have a detrimental impact on neighbouring amenity due to loss of light and an overbearing effect, contrary to Policy BE.1 Amenity of the Crewe and Nantwich Local Plan.
11. Overall, I consider that the proposed development would be excessively dominant, not subordinate to the original dwelling and out of character with the original dwelling. The scheme would be contrary to policy and RES.11 of the Crewe and Nantwich Local Plan, SE1, SD1 and SD2 of the Cheshire East Local Plan and Policy H4 Design of the Wybunbury Neighbourhood Plan, Extensions and Householder which requires that housing proposals demonstrate good quality design.

Conclusion

12. For the reasons set out above, I conclude that the appeal should not be allowed.

John Whalley

INSPECTOR