

Appeal Decision

Site visit made on 14 March 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 28th March 2023

Appeal ref: APP/R0660/D/22/3313481

14 Boundary Lane, Congleton CW12 3HZ

- 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 & Mrs Rosemary/Alistair MacKinnon against the decision of Cheshire East Council.
 - The application, ref. 22/2810C, dated 12 July 2022, was refused by a notice dated 9 November 2022.
 - The development proposed is the construction of a first floor extension and ground floor side extension. Insulated lightweight roof to replace conservatory glass roof.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main issue

2. The main issue in this appeal is the effect of the proposed works to the house at No. 14 on the appearance of the house and the street scene.

Reasons

3. The appeal dwelling is a single storey detached house with accommodation within its pitched roof. It is set well back from and between a row of mixed design houses fronting Boundary Lane. Mr and Mrs MacKinnons' proposal is to modernise and extend their home by adding first floor and ground floor side extensions.
4. In my view, the principle of the proposed alterations and extensions to the existing dwelling at No. 14 is entirely reasonable and unobjectionable. The Council Officer's report notes that a number of elements of the project would be acceptable. For example, raising the roof ridge would not have significant impact on the street scene; replacement of the conservatory glass roof with tiling to match the existing dwelling was considered acceptable; the ground floor side extension and first floor rear extension would not be overbearing to the neighbouring properties; the works would not result in a loss of light to others. The Council report said additional fenestration on the western and eastern elevations would cause a degree of overlooking of neighbouring rear amenity spaces, but would not be significant enough to warrant a refusal, subject to the side windows being obscure glazed. There would be compliance with the principles of policy SE1 to the Cheshire East Local Plan and saved policy GR6 of the Congleton Borough Local Plan; there would be no adverse

impact on the safety or operation of the adjacent highway. I agree, however, with the Council's critical assessment of the design of the project, particularly in respect of the adverse effect of the flat roofed rear extension on the character and appearance of the existing dwelling.

5. As the Appellants said, design is subjective and tastes will vary. Some may prefer modern designs, others perhaps looking for more traditional layouts. The context can also be important. As the Appellants pointed out, there are no Statutory Designations such as Listed Buildings or a Conservation Area to be considered here that might otherwise suggest retention of designs of similar characteristics to those of the original building or neighbouring buildings. Nevertheless, the first floor rear extension, particularly with regard to its flat roofed construction would, as the Council concluded, appear dominant and disproportionate. Whilst the design of an extension can deliberately contrast with that of the original building, an unacceptable discordancy and incongruity can arise. That, in my view, would be the situation here. Some expansion of the existing dwelling at No. 14 is appropriate and would be compatible with its larger neighbouring dwellings. But the flat roof extension would not be in keeping with the character of the street. As the Council said, the appeal project would unacceptably detract from the visual amenity of the locality and the character and appearance of the existing dwelling at No. 14.
6. Policy SD1 to the Cheshire East Local Plan Local Plan Strategy 2010 – 2030 requires development to contribute to protecting and enhancing the natural, built, historic and cultural environment; policy SD2 says development is to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials and external design features. In my view, the exhortations of those policies are not met by the current timber clad flat roofed element of the appeal design for the improvement and extension to the dwelling at No. 14 Boundary Lane.
7. As the appeal dwelling is set back and partially screened from Boundary Lane, there would be some mitigation of the adverse effects on the street scene, but I nevertheless conclude that planning permission should not be granted.

Conclusion

8. For the reasons outlined above, I conclude that the appeal should be dismissed.

John Whalley

INSPECTOR