



Appeal Decision

Site visit made on 6 June 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/R0660/D/23/3320055

3 Chantry Close, Disley SK12 2DP

- 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 Ben Turner against the decision of Cheshire East Council.
 - The application Ref 22/2977M, dated 23 July 2022, was refused by notice dated 27 January 2023.
 - The development proposed is first floor extension to provide additional bedroom over existing flat roof garage.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to provide additional bedroom over existing flat roof garage at 3 Chantry Close, Disley SK12 2DP in accordance with the terms of the application, Ref 22/2977M, dated 23 July 2022, 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:
PA1 Rev A (Existing and Proposed Elevations); and
PA2 Rev A (Existing and Proposed Floor Plans)
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those of the existing building.

Preliminary Matters

2. During the course of the application the scheme was amended to set back the proposed first floor from the main front elevation of the existing dwelling (Plans Ref: PA1 Rev A and PA2 Rev A). The Council determined the proposal on the basis of these amended plans. However, some six weeks before the Council made the decision on the application, further amended plans were submitted. The information before me indicates that the Council were aware of these plans but did not accept them and they are not the plans listed on the decision notice.
3. The appellant wishes the further amended plans to be considered as part of my consideration of the appeal and is of the view that they were submitted to overcome the Council's concerns. They consider that there would be no harm in myself accepting such plans. The 'Procedural Guide – Planning Appeals – England' states that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they

should normally make a fresh planning application and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

4. I note that the appellant considers the plans were formally submitted and that it was the Council's responsibility to upload them to their website and re-consult if necessary. I have some sympathy with this viewpoint. However, the fact remains that the plans did not proceed to a period of consultation.
5. The further amended plans in essence show an additional set back from the main front elevation and a two storey extension at the rear. Such changes are reasonably substantial in that they include an extension to the rear of the existing dwelling which I consider materially alters the proposal and the description of development. It is only appropriate to take amended plans into account if no party would be disadvantaged. In *Wheatcroft (Bernard) Ltd v Secretary of State for the Environment* [1982] JPL 37, it was held that the main criterion is whether the development proposed is so changed by such amendments that to grant permission would be to deprive those who should have been consulted of the opportunity of such consultation.
6. In my view, the further amended plan is a significant amendment. The Council has relied on its delegated report, which did not encompass these changes. Moreover, I have no evidence that those who should have been consulted on the changes to the proposed development have been consulted and my consideration of the amended plans would deprive them of this opportunity. I have therefore not considered the further amended plans in my consideration of the case.

Main Issue

7. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

8. Chantry Close is characterised by detached two storey dwellings of fairly uniform designs. The dwellings incorporate a flat roof garage to the side and a wraparound porch, both of which project forward of the main front elevation. At my site visit I saw that there were no other first floor extensions to dwellings on Chantry Close.
9. The proposed first floor side extension would have a slightly lower ridge height to the main dwelling and would be set back from the existing ground floor elevation of the porch and garage, which would incorporate a pitched roof. Although the proposal would be set back only slightly from the main elevation of the existing dwelling at first floor level and would fill the full width of the ground floor footprint, the proposal would be of a modest scale in comparison to the overall size of the existing building. The proposal would therefore not appear as a disproportionate addition and would be seen as subservient to the host property. Indeed, the Council's officer report confirms that, from the front elevation, the design of the proposal would respect the scale and appearance of the existing dwellinghouse.
10. The Council's main concern relates to the gap that would be retained between the side of the proposal and the side elevation of 5 Chantry Close (No.5) which they contend would be less than 1m from the site boundary and create a

terracing effect. I saw at my site visit that there is a gap to the side boundary with No.5 and further gap between this boundary and the two storey side elevation of No.5 that, in total, amounts to more than 1m. Furthermore, due to the topography of Chantry Close, the appeal property sits at a slightly higher land level to No.5. Both these factors would ensure that the proposal would not result in a terracing effect.

11. I acknowledge that there is a cohesive uniformity to the houses on Chantry Close and the gaps between dwellings at first floor level allow views towards open countryside beyond. The proposed development would result in a different design of dwelling to others and diminish a gap at first floor level. Nevertheless, the spaciousness of the area would still be evident due to the profile of the street and a small gap between dwellings would remain. Moreover, I was able to see much variance in the scale and appearance of houses in the surrounding area.
12. Policy BE2 of the Disley and Newtown Neighbourhood Plan 2017-2030 (NP) states that support will be given to development where the design of the building is sympathetic to the character, topography and local distinctiveness of the surrounding area. The policy also seeks that development should vary the appearance of individual houses in terms of position, character, features and materials within an appropriate palette. Consequently, I find the proposal would not be significantly at odds with the suburban character of the area.
13. For the reasons given above, I therefore conclude that the proposal would not harm the character and appearance of the area. Accordingly, I find no conflict with Policies SE1 and SD2 of the Cheshire East Site Allocations and Development Policies Document 2022 (SADPD), Policies GEN1 and HOU11 of the Cheshire East Local Plan 2010-2030 (CELP) or Policy BE2 of the NP. In combination, these policies seek to, amongst other things, protect the character and appearance of the area.

Conditions

14. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance.
15. In addition to the standard implementation condition it is necessary to impose a condition to identify the approved plans in the interest of precision. A condition in respect of materials is necessary in the interest of character and appearance.

Conclusion

16. The proposal would accord with the development plan and there are no material considerations that indicate that a contrary decision should be taken. Therefore, for the reasons given, the appeal should be allowed.

A Veevers

INSPECTOR