



Appeal Decision

Site visit made on 29 August 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2023

Appeal Ref: APP/R0660/D/23/3318284

21 Church Street, Sandbach CW11 1FX

- 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 A Noblet against the decision of Cheshire East Council.
 - The application Ref 22/2629C, dated 27 June 2022, was refused by notice dated 23 January 2023.
 - The development proposed is described as 'addition of two storey extension to rear of existing dwelling to include associated internal alterations and the addition of a porch canopy to the front elevation.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In September 2023 the Government published a revised National Planning Policy Framework (the Framework). The revisions relate to national planning policy for onshore wind development rather than anything relevant to the main issues in this appeal. Consequently, I have not invited further comments.

Main Issues

3. The main issues in respect of this appeal are;
 - whether the proposal would preserve or enhance the character or appearance of the Sandbach Town Centre Conservation Area (CA), with regard to the effect on a non-designated heritage asset (NDHA); and
 - the effect of the proposed development upon the living conditions of adjoining neighbours, with regard to loss of light and outlook.

Reasons

Character and Appearance of the CA

4. The appeal site is located within the Sandbach Town Centre Conservation Area (CA) which encompasses the historic core of the town. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), special attention is to be paid to the desirability of preserving or enhancing the character or appearance of the CA.
5. The significance of the CA derives from its layers of different architecture. It is a reasonably intact example of an evolved historic townscape consisting of predominantly period properties, with a high degree of integrity from retained architectural features. Simple vernacular buildings are juxtaposed with more

prominent landmark buildings such as St Mary's Church, set within an area of green space with mature landscaping. Streets have a strong sense of enclosure from boundary walls and continuous building frontages at the back edge of the pavement. It is this spatial composition and historical and architectural quality of the built form that shapes the significance of the CA.

6. As a modestly scaled mid-terrace workers cottage of 18th century origins and pleasant architecture, the appeal site reinforces the characteristics of the CA and in particular, the organic development of this section of the town. Its position at the back edge of the pavement renders it visible in medium distance views along Church Street in both directions. The rear elevation is also visible in close up views from the public footpath to the side of St Mary's Church. Due to its age, simple form and architectural detailing, the appeal site makes an important and positive contribution to the character and appearance of the CA.
7. The Planning Practice Guidance (PPG) sets out that in some cases, local planning authorities may identify NDHA's as part of the decision-making process on planning applications. The Council has identified the appeal site as a NDHA. Paragraph 203 of the Framework sets out that the effect of an application on the significance of a NDHA should be taken into account in determining the application.
8. Based on the evidence before me, including my observations on site, I consider that the host building merits consideration as a NDHA. Its significance is mainly derived from its modest scale, historic brick construction and linear form as part of a terrace of 3. Despite the introduction of a flat roofed extension to the rear, the building has retained much of its traditional character, illustrative of 18th century vernacular architecture.
9. Although small, the addition of a cantilevered canopy above the front door would add a jarring feature, creating visual clutter that would disrupt the plain appearance of the host dwelling, as well as the unbroken frontage of the terrace. This addition would be harmful to the significance of the NDHA and its contribution to the character and appearance of the CA.
10. A 2-storey extension is proposed to replace the existing single storey flat roofed addition to the rear of the appeal site. There are aspects of the design which are appropriate including the set down of the gable and simple elevational treatment. However, its height, scale and width would result in an extension that would fill the entire width of the plot, with a wide gable obscuring the original rear elevation. Rather than appearing as a modest extension to the NDHA, the resultant bulk would be so great, that the humble scale of the appeal building would be overwhelmed and no longer apparent.
11. This would be particularly harmful in views from the public footpath to the side, as well as in private views from the rear of the Front Street dwellings. The extension would appear as an incongruous addition to the small scale of the terrace, that the use of similar materials would not adequately mitigate. Neither would the boundary wall or occasional planting conceal the proposed extension in its entirety with the first floor and gable, readily visible from the public footpath.
12. Gabled roof forms are present within the CA. Nevertheless, it is the size and scale of the development proposed here and its dominating effect on the host

dwelling which would result in a development that is harmful to the NDHA and its contribution to the significance of the CA.

13. For the reasons set out above, the proposed development would not preserve or enhance the character or appearance of the CA. It would also have an adverse effect on the significance of the NDHA. For reasons I will go into, the harm is not outweighed by public benefits. The proposal would therefore conflict with Policies SE 1, SE 7 and SD 2 of the Cheshire East Local Plan Strategy 2010-2030 (CELPS) 2017. These policies seek amongst other things to respect and where possible enhance the significance of heritage assets, including their wider settings through sensitivity of design. Conflict would also occur with Policies HER 3 and HOU 11 of the Cheshire East Local Plan; Site Allocations and Development Policies Document (CELP SADPD) 2022 which require extensions to dwellings to be subordinate and in-keeping with the scale and character of surrounding development. Within CA's, development is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. These objectives are also shared by Policies H2 and HC1 of the Sandbach Neighbourhood Plan 2022 (SNP).

Living Conditions

Outlook

14. Due to the modest nature of the appeal property and its position mid-terrace, the proposed extension would lie in proximity to a first-floor bedroom window in the rear elevation of No 19 Church Street. This window currently has an unimpeded outlook due to the existing rear extensions being single storey. The height, depth and scale of the proposed 2-storey extension would result in a development that would appear visually intrusive and uncomfortably close, with the flank wall enclosing the outlook from the window. This would create more oppressive living conditions for the occupants of No 19.
15. The existing flat roofed rear extension consists of an 'L' shaped arrangement so that it is cut away from the ground floor window within the adjacent single-storey rear extension to No 23 Church Street. Although the existing boundary wall between No 23 and the appeal site is high, the taller, deeper structure proposed would loom over and be oppressive in relation to the outlook from this adjacent window. This would be to the detriment of the living conditions of the neighbouring occupants.

Loss of Light

16. Reference is made to a stereographic sun path diagram said to demonstrate that the adjacent dwellings would not be adversely impacted by the proposal. This diagram has not been presented and I must determine the appeal based on the evidence before me, including my observations from the site visit.
17. The first-floor rear bedroom window within the rear elevation of No 19 faces south-west, benefiting from direct sunlight. Sited to the south-east of No 19 the proposed extension as a result of its height, depth and overall scale, would result in a loss of sunlight to the rear bedroom for a portion of the day, between late morning and early afternoon. The occupants of No 19 would therefore experience dimmer and more gloomy living conditions within the bedroom. No evidence is before me by way of a sunlight assessment to

demonstrate that the loss of sunlight would not be reduced to an unacceptable degree.

18. Whilst shading may occur to the rear yard of No 19, it is unlikely to be significant given the presence of the existing single-storey structures and boundary walls, such that it would remain useable as an outdoor space.
19. The Council are concerned that the proposed 2-storey extension would result in a loss of daylight to the rear yard area of No 23. I was able to view this property during my site visit. The existing yard area is enclosed by high boundary walls and contains planting close to the dwelling which already provides a degree of shade. Nevertheless, No 23 is located to the south-east of the appeal site such that the proposal is unlikely to cause a loss of daylight or direct sunlight to the yard area, other than at sunset. However, at this time the sun would have already been lost behind St Mary's Church which is on land raised above Church Street, with mature tree planting to the boundary. In the absence of any evidence to the contrary I find that the occupants of No 23 would not experience a significant loss of light to the rear yard area as a result.

Conclusion – Living Conditions

20. Whilst I have found that the proposal would not result in a loss of daylight or sunlight to the rear yard areas of No's 19 and 23, it would have an adverse effect on the living conditions of the occupants of No's 19 and 23 with regard to outlook, and No 19 with regard to a loss of sunlight. The proposal would thus conflict with Policies HOU 12 and HOU 13 of the CELP SADPD, which seek to ensure that extensions to dwellings do not cause unacceptable harm to the amenity of nearby occupants due to loss of sunlight and daylight, and the overbearing and dominating effect of new buildings. These objectives are shared with Policy H2 of the SNP.
21. I have not applied Policy SE 1 of the CELPS as it does not refer to matters of outlook or loss of light in respect of neighbouring occupiers.

Other Matters

22. The existing rear extension is said to have an unsightly flat roof. However, due to its single storey scale, it is not readily visible in public views of the building and neither does it impact on the living conditions of adjacent occupants in terms of outlook or light. There are likely to be other ways to improve the appearance of the flat roof without causing the harm identified.
23. Reference is made to No 23 having had 2 extensions. Being single-storey they enable the modest scale of the original property to be clearly read and are not therefore comparable to the proposal before me. No details have been supplied to indicate whether the development at No 12 Front Street has planning permission and if so, whether it was granted under the same planning policies. Even if it were, the context is different with that terrace consisting of larger scale properties already containing rear gabled projections. There is no substantive evidence before me that the refusal of the proposal is inconsistent with policy and other approved development within the area. Considered objectively and in context, I have come to my own judgement based on the evidence in relation to the specific proposal before me.
24. The only visible example of a porch is that of an oak framed structure to No 18 Church Street, opposite the appeal site. This dwelling differs from the appeal

site in being set back behind an enclosed forecourt. Whilst constructed in a traditional style, the porch is nonetheless a conspicuous addition within the street scene due to its top heavy and large-scale roof. Its presence does not justify other unsympathetic development to a NDHA within a CA.

25. The appellant references the presumption in favour of sustainable development. The Framework is clear that the presumption, does not change the statutory status of the development plan as the starting point for decision making. Where a proposal conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations indicate that the plan should not be followed. I have found that the proposal conflicts with the development plan.
26. Concerns regarding the handling of the application are a matter for the parties.

Heritage Balance and Conclusion

27. In the language of the Framework, the harm to the significance of the CA would be less than substantial but nevertheless important, given the negative effect on the character and appearance of the CA. Paragraph 202 of the Framework therefore directs me to weigh the identified harm against the public benefits of the proposal.
28. Additional living accommodation, whilst of obvious benefit to the appellant, would be a private rather than public benefit. No further tangible public benefits of the scheme have been presented.
29. Consequently, when giving considerable importance and weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA, I find that the harm that would arise from the proposal would not be outweighed by public benefits. Conflict would occur with paragraph 200 of the Framework, as harm to the significance of the designated heritage asset would not have clear and convincing justification. Given the above, it follows that the benefits of the appeal scheme would not outweigh the totality of harm I have identified either.
30. The proposed development would harm the significance of the NDHA and CA and the living conditions of neighbouring occupants. It would therefore be contrary to the development plan taken as a whole and therefore there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

M Clowes

INSPECTOR