



Appeal Decision

Site visit made on 9 April 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th April 2024

Appeal Ref: APP/R0660/D/24/3339014

Hunters Gate, Byley Lane, Cranage, Middlewich CW10 9LW

- 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 Chris Swallow against the decision of Cheshire East Council.
 - The application Ref 23/4221C, dated 10 November 2023, was refused by notice dated 13 December 2023.
 - The development proposed is the erection of an extension (13.6m²) and remodelling works to existing house to improve accessibility/usability, incorporating 2 No. dormer windows.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an extension (13.6m²) and remodelling works to existing house to improve accessibility/usability, incorporating 2 No. dormer windows at Hunters Gate, Byley Lane, Cranage, Middlewich CW10 9LW in accordance with the terms of the application, Ref 23/4221C, dated 10 November 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: 206 (00) 00 P01; 206 (00) 01 P01; 206 (10) 21; 206 (20) 01 P01; 206 (20) 02; 206 (20) 03; 206 (20) 20 04; 206 (20) 11 P01; 206 (20) 12; 206 (20) 13 P01; 206 (200) 01 P01; 206 (200) 02 P01; 206 (200) 03 P01; 206 (300) 01 and 206 (300) 02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on the application form dated 10 November 2023.

Procedural Matter

2. The amendments of the National Planning Policy Framework (the Framework) were published in December 2023 after the appeal application was determined. These amendments do not alter the basis upon which this appeal has been assessed.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is an extended 2-storey dwelling sited within a well-defined domestic curtilage which forms part of a group of primarily agricultural buildings of varying types and sizes. The surrounding area is characterised as open and verdant countryside with isolated buildings or groups of buildings. Although the property is 2-storey, the ground and first floors are not at consistent levels and there are variations in the floor to ceiling heights.
5. The proposed development includes the remodelling of the property to create a greater consistency of floor levels and headroom to improve the standard of the accommodation and, as a consequence, 2 dormers are proposed within the rear roofslope. These proposed dormers would not add additional floorspace to the property but there would be an increase in the property's volume.
6. By reason of the orientation of the property, the proposed dormers would be seen from Byley Lane albeit they would be seen against the context of the roofslope which would not be increased in height. The dormers would be set away from the edges of the roof and be modest in size rather than represent bulky additions to the roofslope. The proposed choice of external materials specified on the application form would assist with the visual assimilation of the proposed dormers as part of the roofslope and could be secured by suitable condition, if this appeal succeeded. Overall, the proposed dormers would not be visually prominent when viewed from Byley Lane.
7. Two single storey extensions are proposed to the rear of the property and would primarily possess glazed walls with a flat roof. The proposed extensions' walls would project no further rearwards than the rear elevation of the projecting 2-storey gable. These modest sized extensions of lightweight construction would partially be seen from Byley Lane but they would be viewed against the context of the existing property rather than being visually prominent built forms of development. Although, the floorspace and volume of the host property would increase because of these proposed extensions, there would not be significant alterations to the footprint, bulk or height of the existing property.
8. The proposed dormers and extensions would be subservient in scale to the existing property and would respect, rather than materially alter, its character and appearance. Further, and considering the property being part of a group of buildings, the siting and scale of the appeal scheme would not unduly harm the open and verdant character and appearance of the surrounding countryside within which the property is located. For these reasons, there would not be a conflict with the design considerations of Policy RUR 11(1)(ii) and (iii) of the Cheshire East Site Allocations and Development Policies Document (SADPD).
9. However, SADPD Policy RUR 11(1)(i) references extensions to dwellings not resulting in disproportionate additions over and above the size of the original building and a threshold of a 50% increase in size for dwellings in the countryside is identified (Policy RUR 11(3)). Policy PG 6 of the Cheshire East Local Plan Strategy (CELPS) echoes this approach by referring to extensions to existing dwellings in the open countryside being permitted where the extension is not disproportionate to the original dwelling.
10. It is not disputed by the appellant that the original property has already been altered and its size has increased by circa 57% which is in excess of the 50%

threshold. The appeal scheme would further increase the floorspace and volume of the property. However, for the reasons which have already been identified, the additional floorspace and volume would not represent a significant alteration to the property's envelope or its external appearance. For these reasons the exception identified a SADPD Policy RUR 11(3)(ii) to allow extensions in excess of 50% of the size of the original property is applicable to the determination of this appeal.

11. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with SADPD Policy RUR 11 and CELPS Policy PG 6.

Conditions

12. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the erection of the proposed extension in accordance with the approved drawings. To assist with the assimilation of the proposed development, in particular the dormers into the roofslope, a condition for the external materials to be those cited on the application form is necessary.
13. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR