



Appeal Decision

Site visit made on 23 May 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/A0665/D/24/3340194

**Lodge Heyes, Shay Lane, Tarvin, Chester, Cheshire West and Chester,
CH3 8NN**

- 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 Benjamin Wilkinson against the decision of Cheshire West and Cheshire Council.
 - The application Ref 23/03042/FUL dated 27 September 2023, was refused by notice dated 4 March 2024.
 - The development proposed is demolition of outbuilding, extension and conversion of workshop building to enlarge existing dwelling, existing access set between buildings remove and existing boundary wall extended, and the addition of a new access and hardstanding to the front of the dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issue

3. The main issue is the impact of the proposal upon the character and appearance of the original dwelling and the outbuilding and appeal site setting.

Reasons

4. The appeal site is a two storey, detached, cottage which is orientated so that the front elevation faces east (the dwelling is side on to the road) with formal garden area being located to the front of the dwelling. To the rear (west) of the host property is a large, detached, outbuilding (workshop). The proposals before me seek to remove a small building to the south of the site which is noted to be a former WC/store building, convert the workshop into residential accommodation and create an extension linking the host property to the newly converted workshop to create an overall larger dwelling. In addition, there are some ancillary works, as outlined in the development description, as a result of the proposals.
5. The Supplementary Planning Document: House Extensions and Domestic Outbuildings 2021 (SPD) sets out general principles that will be applied to all proposals to which the document is relevant. It advises that assessments relating to the increase in the size of the original dwellinghouse will not include any allowance for or credit from the demolition of existing detached buildings

or structures if they are more than 5 metres away from the house. There that appears to be some difference between the square meterage and calculations as to existing and proposed by the Council and the appellant. Regardless of specific figures, noted by both parties, it is evident from the plans that the existing workshop building is larger than the existing dwellinghouse and that the proposed extension as a link between the two would be, essentially, as good as the same size as the host dwelling.

6. Based upon the plans before me, including plan reference D196-01, I am not persuaded that the workshop building is within 5 metres of the dwellinghouse. For this reason, the assessment relating to the increase of the size of the original dwelling house cannot include the workshop/outbuilding so I do not accept, on this occasion, the appellant's contention that proposals would result in a less than 30% extension off the original dwelling. Despite this, even if I had found that the outbuilding was within 5 metres of the dwelling house and could be include as the starting point for extension, the appeal would still have failed as I do not find that the design of the proposal in terms of glazing, window openings and general bulk and scale and massing is sympathetic to the character and appearance of the original dwelling, outbuilding and their setting.
7. I acknowledge that the purpose of the application is to retain the existing buildings and utilise them in full and that this is often more sustainable than demolition of the existing buildings, however, I do not find that the proposals as submitted are sensitive to the existing character. This assessment as to character, appearance, and the requirement to be visually subordinate is not lessened due to the fact that the site is neither Green Belt or Conservation Area and utilises matching reclaimed bricks, slate, and timber. I do not find that the scale and mass of the building would be clearly subordinate and the fact that there are no properties within the immediate vicinity does not change this assessment which is, ultimately, based upon an assessment of the proposals in relation to the host dwelling itself.
8. The proposed extension, to the rear of the host dwelling, would link the dwelling to the workshop building with it intended to be two storey with a large, glazed elevation facing the road which would entirely change the character of the site as it currently stands in close proximity to the road. The existing dwelling is itself, modest and it can be seen from the proposed floorplans that the proposed link would create a large, galleried, entrance hall, garden room and bedroom on a footprint which would essentially be of a similar floor area to the existing dwelling. The proposed link extension is also wider than the host dwelling itself as can be seen from the proposed floorplans.
9. The dwelling, and outbuilding, currently appear traditional and, to a large extent, utilitarian in appearance with open views available between the buildings. Whilst the existing outbuilding is, as outlined above, larger than the host dwelling itself, due to the simple nature of the buildings, neither, realistically, visually competes with the other, other than in terms of basic scale and massing. The proposed extension would be larger than the floorspace of the host dwelling and would result in an alien addition physically linking the workshop to the host dwelling. This would result in an overly domestic appearance which would be in direct contrast to the currently simple form and character of the workshop and the setting of the site. The proposed extension in isolation, even if it had not been proposed as a link to the workshop

- conversion, would visually dominate the host dwelling with the design being unsympathetic combined with an increase in roof height between the elements.
10. The overall bulk, scale, and massing of the extension, combined with the proposed design, would result in awkward interaction (particularly at roof level) which would not appropriately harmonise with the host dwelling and would erode the visual break and views through the buildings previously outlined, and noted, above. In addition, the proposed changes to the south facing (side) elevation of the workshop, as a result of conversion, would be unsympathetic to the existing traditional character of the outbuilding due to the proposed two storey glazing which would replace almost all of the south elevation. Further changes proposed include a notable, enlarged, window to the north elevation of the converted outbuilding with the changes cumulatively failing to respect the character and appearance of the workshop building and its setting.
 11. The cumulative impact of the proposed design features, as part of conversion of the workshop, along with an extension to link the outbuilding and the host dwelling which would be larger, in footprint, than the existing dwelling itself would result in proposals that would appear unduly prominent within the surrounding area and I find that this would cause significant visual harm to the rural setting of the appeal site which is prominent in views as it is located in such close proximity to the road. The proposed works, by virtue of their size, scale and design, position, and massing, would result in development that would not be in keeping with the character and appearance of, nor be subordinate to, the original dwelling and outbuilding and their setting.
 12. The SPD is clear, within its guidance, that new development will only be supported where it is in keeping with the character and appearance of the original dwelling and wider setting with matters taking into account which includes the size and arrangement of windows and doors, the shape of the roof and materials, windows, and doors. Proposals should generally contribute positively to the character of the area and, where buildings were originally constructed for a non-residential purpose, the relevant local plan policies require that the resulting development would be of limited scale consistent with the retention of the architectural and functional character of the building.
 13. I note the appellant's intention to introduce energy efficient measures, to replace the outdated septic tank with a modern treatment plant to minimise environmental waste as well as having intention to retain the landscape of the existing site, however, these are not matters which would outweigh the harm which I have identified for the reasons set out above with regard to the scale and design of the proposals and the impact upon their character and appearance of the original dwelling and the outbuilding.
 14. It is acknowledged that the proposal would not have an adverse impact on the amenities of nearby residential properties, or the future occupiers of the dwelling house, that there is sufficient space for access and parking and that the proposals will use reclaimed brick to match the existing materials on site. The supporting diagrams, within the extract outlined by the appellant at 3.4.3 of their Statement of Case, relates to the 45-degree line, separation, set back and set in and extensions on corner plots which are not applicable to the appeal site. These are largely aimed at neighbouring amenity, overlooking, privacy etc to avoid overdevelopment of generally smaller plots in urban settings. Despite this, it is acknowledged that the proposal is different to that

of a traditional extension as a result of linking two existing buildings together, however, the principle of the SPD is still to ensure that extensions are appropriate to their host dwelling regardless of whether this is for a rural or urban setting.

15. The proposal would be contrary to Cheshire West and Chester Local Plan Part 1 Policy ENV6 which requires that development should promote high quality design and respect local character and Cheshire West and Chester Local Plan Part 2, Policy DM3 which supports design solutions that are designed to respect the scale, character and appearance of any existing building within the site and contribute positively to the character of the area. Policy DM3 also requires that proposals be sympathetic to the characteristics of development site and, where appropriate, views into, over and out of the site.
16. The proposal would also be contrary to Policy DM21 which, in relation to extensions, alterations and outbuildings/structures requires that the resulting development is in keeping with the character and appearance of, and of subordinate to, the original dwelling and the wider setting and where the building was originally constructed for a non-residential purpose, resulting development should be of a limited scale consistent with the retention of the architectural and functional character of the building.
17. The proposal would also be contrary to the overarching objectives of the SPD which seeks to ensure that new development is in keeping with the character and appearance of the original dwelling and that, as a general guide, subordinate and small scale extensions should not increase the size of the original dwelling by 30% with this being assessed via the net increase in floor space and, where appropriate, the net increase in volume can also be taken into account. The depth of the original dwelling in relation to the depth of the proposed extension is also fairly to be taken into consideration with regards to visual amenity and appearance and, in this case, as previously outlined, the proposed extension is wider than the host dwelling and largely comparable in basic footprint with the extension being proposed at two storeys. In addition, as can be seen from the side elevations (proposed) there would also be an increase in roof height further contributing to an overall lack of subordination as a result of the proposals.

Other Matters

18. I note comments made in support of the proposal; however, a lack of objection is a neutral consideration. Comments are made in relation to the handling, and timings/length, of the application process but these are not within the scope of this appeal which is not accompanied by an application for costs. I have considered the proposals before me based upon their own merits taking into the evidence before me.

Conclusion

19. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR