



Appeal Decision

Site visit made on 23 May 2024

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 20th June 2024

Appeal Ref: APP/R0660/C/23/3329832

Pinewood, 1 Legh Gardens, Knutsford, Cheshire WA16 8PU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Roger Harrison against an enforcement notice issued by Cheshire East Council.
- The notice was issued on 16 August 2023.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a single storey side extension to a detached outbuilding shown in the approximate position shaded in green on the attached plan marked 'Plan B.' The requirements of the notice are
 - a) Alter the detached outbuilding shown in the approximate position shaded in green on the attached plan marked 'Plan B' so that it is built in accordance with the detached outbuilding shown on the attached plan D-10- 001 marked 'Plan C.'Or,
 - b) Alter the detached outbuilding shown in the approximate position shaded in green on the attached plan marked 'Plan B' so that it is built in accordance with the detached outbuilding shown on the attached Plan D-30-501 marked 'Plan D' and the attached Plan D-30-100 marked 'Plan E.'
 - c) Remove all resultant debris following compliance with requirement a) or b) from "the Land."
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (the 1990 Act) (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the construction of a single storey side extension to a detached outbuilding at Pinewood, 1 Legh Gardens, Knutsford, Cheshire WA16 8PU as shown on the plan attached to the notice

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published in December 2023. However, the document has not raised any new matters which are determinative to this appeal.

The appeal under ground (a)

3. Ground (a) is that planning permission should be granted for the matters stated in the notice.

The Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, with particular regard to whether it preserves or enhances the character or appearance of the Legh Road (Knutsford) Conservation Area (the Conservation Area).

Reasons

5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset, great weight is to be given to their preservation and conservation.
6. Although no Conservation Area Appraisal has been provided, both parties address the characteristics of the Conservation Area in their evidence. They include the presence of large Victorian and Edwardian villas interspersed with more modern properties in mostly generous plots with a characteristic verdant setting of mature tree line roads and grass verges. I was able to observe these characteristics as part of my site visit and agree that they make a significant contribution towards character and appearance within the Conservation Area.
7. Legh Gardens consists of three modern substantial dwellings in generous plots which are located just off Chelford Road. The appeal site is one of two plots which front onto Chelford Road which largely displays the verdant character associated with the Conservation Area designation. The modern dwellings do not have any heritage value themselves, they are nonetheless within the Conservation Area and are afforded its statutory protection.
8. The development consists of an extension to the original double garage close to the front boundary with Chelford Road to provide a gym area. Within the appeal site and Legh Gardens, views that do exist show the extended element of the enlarged garage blending in with the original garage and the modern appeal dwelling. The roof shape matches the existing roof on the original garage and the development is of a high quality design.
9. The significance of a Conservation Area is dependent upon how it is experienced as well as its appearance. Development must be judged according to its effect on the Conservation Area as a whole and have a moderate degree of prominence. Due to a combination of the undulating nature of the road and the presence of mature hedging and trees to the front of property boundaries including the appeal site, the development does not appear to be discordant in views along Chelford Road travelling by car or on foot in either direction. There are more direct views from the opposite side of Chelford Road. However, those views are limited to the top part of the side elevation and part of the roof due to the presence of the brick wall and some tree coverage.
10. The development is not detrimental to the streetscene as it is not particularly prominent. There is a modern garage of a similar style in a more prominent location on the corner of Buckingham Drive and Chelford Road. Directly opposite the access to Chelford Gardens, there are three older dwellings that have been built in line with the pavement. The development is not out of

character in an area where there is a mix of styles of buildings and some of those buildings are located in close proximity or directly on front boundaries.

11. I consider that the use of materials, the location of the development and the way in which the development has been designed to blend in with the original garage is not discordant, unduly prominent or out of keeping. The development has a neutral effect upon the Conservation Area which leaves it unharmed and meets the statutory objective of preserving the Conservation Area.
12. I note that there is a previous planning permission¹ to extend the original garage but with a shallow pitched sloping roof. The Council's view is that the approved scheme has a neutral effect on the CA and is preferable to the development. Whilst the Council may prefer the pitched roof shape of the approved scheme, that does not mean that this development is harmful. This appeal relates to the assessment of this development which has to be determined on its own merits.
13. For the reasons given, I conclude that the development does preserve the character or appearance of the Conservation Area. It is therefore not contrary to Policies SE7, SD2 and SE1 of the Cheshire East Local Plan Strategy, Policies HER3, GEN1 and HOU 11 of the Site Allocations and Development Policies Document and Policies D1, D2, H3 and HE3 of the Knutsford Neighbourhood Plan. These policies collectively seek to achieve high quality design which respect the character and appearance of the area and the significance of heritage assets and local distinctiveness and the quality of materials. The development is also not in conflict with the relevant paragraphs of the Framework which address 'Conserving and enhancing the historic environment' or the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other matters

14. I note that there are supporters of the development and there is also an objection from the Parish Council. I have taken those views into consideration in determining the appeal where the matters raised relate to the planning issues before me in reaching my decision.

Conditions

15. The Council has not suggested any conditions for the development and I agree that none are necessary when the development exists and it is an addition to an existing ancillary building.

Conclusion

16. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed.

E Griffin

INSPECTOR

¹ Ref 20/5814M