



Appeal Decision

Site visit made on 4 November 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2024

Appeal Ref: APP/R0660/D/24/3347290

4 The Square, Wyche Road, Bunbury CW6 9PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs P Morgan against the decision of Cheshire East Council.
 - The application Ref is 24/1162N.
 - The development proposed is first floor side extension, log burner and render to existing and proposed side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Higher Bunbury Conservation Area (CA) and its effect on a non-designated heritage asset.

Reasons

3. The appeal property is located within the CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCAA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The significance of the CA is in part derived from the historic and architectural quality of its buildings with the prevalent use of brick and timber, evidencing the evolution of the village over many years. It is also derived from its intimate rural character reflected by the narrow winding lanes, tall hedgerows, sandstone banks along with the modest original domestic scale of buildings.
5. The appeal property is a late 18th to early 19th century small red brick, flemish bond, two storey semi-detached cottage, adjacent to a similar pair of cottages. It is stated by the heritage officer that the cottages appear on Tithe Plans in the ownership of Lord Crewe. Despite the cottages having undergone some unsympathetic alterations, the appeal property and group of cottages are considered a non-designated heritage asset (NDHA) with their significance deriving from their historical and architectural interest with their original proportions still clearly articulated. Given their historical and architectural interest, the cottages contribute positively to the significance of the CA as a whole and the character and appearance of the area.
6. Although the appeal property currently has an unsympathetic, flat roof, single storey side extension, it is modest and unassuming in scale, similar to the

single storey side extension on the adjacent pair of cottages, with the original proportions of the NDHA still clearly articulated.

7. The addition of a first floor, whilst it would sit below the ridgeline of the original dwelling and comprise of a pitched roof, would result in a larger scale and bulkier extension than that which is present. As two storey side extensions are not a feature of the NDHA, it would thus appear as an incongruous addition. It would harmfully erode and detract from the original proportions of the dwelling and NDHA which forms part of the character and significance of the CA and significance of the NDHA.
8. Furthermore, the proposed black log burner flue located at the rear of the extension would be an incongruous and dominant addition to the NDHA. It would project above the proposed ridgeline of the extension, prominent when viewed from Wyche Road, further detracting from the appearance of the NDHA.
9. Render was originally proposed on the side extension, this would harmfully contrast with the existing brickwork of the host dwelling. Had I been minded to allow the appeal I would have considered imposing a condition requiring matching brick as suggested by the appellant in their appeal statement.
10. I accept that the use of a pitched slate roof and the appellants willingness to utilise brickwork that matches the host dwelling over render, would be more in keeping with the NDHA than the current flat roof and poor quality brickwork of the existing extension. However, I am not persuaded that the proposal is the only means by which this could be achieved and therefore these design factors do not overcome the harm identified to the NDHA and CA.
11. Given my findings above, the proposal would have a harmful effect on the significance of the NDHA. It would also be harmful to the character and appearance of the CA as a whole, therefore detracting from the significance of this designated heritage asset, which would neither be preserved nor enhanced, conflicting with section 72(1) of the PLBCAA.
12. I consider the harm would be less than substantial. In such circumstances, paragraph 208 of the National Planning Policy Framework (the Framework) requires the harm to be weighed against the public benefits of the proposal. There would be some short-term economic benefits during the construction phase of the extension, but this would be limited and I afford it little weight. The extension would also result in a better insulated property, this would be a modest environmental benefit due to the reduction in the consumption of energy.
13. The public benefits would not be sufficient to outweigh the less than substantial harm the appeal scheme would cause to the significance of the CA as a designated heritage asset. The Framework requires great weight be given to the asset's conservation, irrespective of the level of potential harm.
14. Paragraph 209 of the Framework states that, if a proposal has a harmful effect on the significance of a non-designated heritage asset, then a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. For similar reasons to that given above with regard to the CA, the stated benefits would not outweigh the harm to the NDHA and so my conclusions remain the same.

15. Therefore, I conclude that the proposed development would adversely affect the NDHA and would fail to preserve or enhance the character and appearance of the CA and thus would fail to satisfy the requirements of the PLBCAA.
16. Accordingly, the proposal fails to comply with Policies SE 1 and SE 7 of the Cheshire East Local Plan Strategy 2017. These seek, amongst other matters, development which respects the scale of the existing dwelling and the form of its surroundings and that does not cause harm to heritage assets. It would also conflict with Policies HER 1 and HER 3 of the Site Allocations and Development Policies Document 2022 which together seek development to respect the significance of heritage assets and ensure that development within a conservation area pays attention to the desirability of preserving or enhancing the character or appearance of the area. Additionally, the proposal would conflict with the overarching aims of Section 16 of the Framework 'Conserving and enhancing the historic environment'.

Other Matters

17. The Council has drawn my attention to two listed buildings in the vicinity of the appeal property. These are Chantry House (Grade II*) and Bunbury Church (Grade I). I have had regard to the desirability of preserving the setting of the listed buildings as required under Section 66(1) of the PLBCAA.
18. Chantry House dates from around 1527 and is located on the opposite side of Wyche Road to the appeal site and thus forms part of its setting. It is a two storey timber framed house with plaster panels and slate roof. It is noted for its high quality timber framing throughout. The significance and special interest of Chantry House is in part derived from its age and architectural composition.
19. The immediate setting of Chantry House is provided by its garden. Beyond this the winding lane of Wyche Road and surrounding properties also form part of its setting, which includes the appeal site, set back on the opposite side of the road to Chantry House. Wyche Lane which approaches from the north, and winds past three of its elevations, forms part of its setting and allows its architectural and historical qualities to be experienced.
20. Whilst the appeal property may be visible in some views of Chantry House, the proposed extension would be read in conjunction with the property that it is adjoined to. As the host property is set back from the road, the proposal, using brick rather than render, would not detract from the ability to appreciate the significance of the listed building or diminish the experience one would have of the listed building from within its setting. This is in part due to the elevated position of Chantry House above the street and surrounding properties, which ensures that Chantry House is the most prominent element within the street scene.
21. Bunbury Church is located some distance away from the appeal site to the north. As such, I do not consider that the proposal would adversely effect upon the setting or significance of this building due to the distance involved and the intervening buildings and landscaping between them.
22. I note that planning permission had been previously granted for a two storey side extension in 2004 and then again through a resubmission in 2018, however this has now lapsed. Moreover, the heritage officer has stated that no consideration was given to the CA in the 2018 application nor were any

heritage policies referenced. These were also approved before the adoption of the SADP. Therefore, the granting of permission previously does not alter my conclusions that I have already set out.

23. The lack of comment from Bunbury Parish council is noted. However, I am required to assess the proposal on its planning merits and the absence of an objection does not alter my findings with regards to the harm identified.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR