



Appeal Decision

Site visit made on 17 January 2025

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/R0660/D/24/3353897

The Cottage, Hardys Lane, Cox Bank, Cheshire East, CW3 0EU

- 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 Mr Mark Warrilow against the decision of Cheshire East Council.
 - The application Ref is 24/1012N.
 - The development proposed is demolition of existing front porch; general repairs to existing timber frame and roof; proposed pitched dormers to replace catslide dormers and erection of two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property is a Non-Designated Heritage Asset and is located within the Cox Bank Conservation Area. Amongst other things, the Council has stated that it is satisfied that the proposed development “is acceptable in terms of heritage.”

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property comprises an extended timber-framed two-storey dormer dwelling, parts of which date back to the 17th Century. The dwelling is located in the open countryside, on the edge of a hamlet, along a narrow country lane. Whilst it has been extended, the appeal dwelling is modest in appearance.
5. The surrounding area is rural. The appeal property has a large agricultural field to the rear and the few houses within the wider hamlet are surrounded by farmland and woodland. The surrounding area is characterised by its green, open and spacious qualities.
6. Within the open countryside, Policy RUR 11 of the Council’s Site Allocations and Development Policies Document (2022) generally considers extensions that increase the size of original buildings by more than 50% to be disproportionate.
7. Contrary to Policy RUR 11, the proposed development would represent an increase considerably in excess of 50%. Whilst Policy RUR 11 provides for exceptions to the size threshold, the proposal does not meet any of these.

8. The proposal does not fall within a village infill boundary and the proposed two storey addition would result in significant alterations to the dwelling's external appearance. Further, the proposed development is not required in order to provide basic amenities or sanitation and it does not comprise a small scale domestic outbuilding.
9. The cumulative floorspace proposed would comprise a very substantial addition relative to the host dwelling and this would be to the harm of the open and spacious qualities of the open countryside in this location.
10. Given all of the above, the proposal would comprise a disproportionate addition to a dwelling in the open countryside.
11. In the above regard, I am mindful that, in support of his case, the appellant considers that the size of the original building should be calculated in such a way that it would not comprise a disproportionate addition. However, Policy RUR 11 is clear in its requirement that "*The original building means the building and outbuildings/structures as it was originally built, or as it existed on 01 July 1948 if constructed before this date.*"
12. Calculating the starting size of the building from 1969, as proposed by the appellant, would fail to comply with Policy RUR 11.
13. Taking all of the above into account, I find that, in comprising a disproportionate addition, the proposed development would harm the character and appearance of the area contrary to the National Planning Policy Framework; to Policy PG6 of the Cheshire East Local Plan Strategy (2017); and to Policy RUR11 of the Cheshire East Site Allocations and Development Policies Document (2022), which together amongst other things, seek to protect local character.

Other Matters

14. The appellant draws attention to a number of heritage benefits that would arise as part of the proposed development. I acknowledge and am sympathetic to this. However, I am also mindful that the Council took account of these benefits in its consideration and refusal of the application the subject of this appeal.
15. Also in support of the proposal, the appellant refers to other developments in the surrounding area. Whilst I do not have all of the information relating to each of these developments before me, there is no substantive evidence to demonstrate that the circumstances related to each of them were so similar to the proposed development as to provide for direct comparison.
16. However, notwithstanding this and in any case, I have found that the proposed development would comprise a disproportionate addition to a dwelling in the open countryside. This would be contrary to adopted planning policy and hence the decision below.

17. Conclusion

18. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR