
Appeal Decision

Site visit made on 8 May 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/R0660/W/24/3356566

Robinhill, 5 Edgeway, Henbury, Cheshire East SK11 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms & Mr Sarah & Dan Kay & Carrier against Cheshire East Council.
 - The application Ref is 24/0787M.
 - The development is proposed demolitions and alterations and extensions to house.
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Decision

1. The appeal is allowed and planning permission is granted for proposed demolitions and alterations and extensions to house at Robinhill, 5 Edgeway, Henbury, Cheshire East SK11 9PA in accordance with the terms of the application, Ref 24/0787M, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with Drawing Nos:-
 - 5E-LP; 5E-11; 5E-07 Rev C; 5E-09 Rev C; and 5E-08 Rev B.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 and is a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.
3. The planning application was not determined by the Council within the prescribed time but it has indicated that permission would have been refused. This is based on the proposal being inappropriate development in the Green Belt due to the additions being disproportionate to the original dwelling. Also, the Council considers the amenity of future occupiers would be harmed due to

an inadequate degree of outlook to all habitable rooms. I have based my assessment on these reasons.

Main Issues

4. The main issues are:-

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies and its effect on openness;
- the effect of the proposal on the living conditions of future occupiers of the dwelling by reason of outlook; and
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Green Belt

5. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It makes it clear that development is considered inappropriate unless it satisfies one of the exceptions cited in paragraphs 154 or 155. Paragraph 154, sub-section c) allows the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This is reflected in Local Plan Strategy¹ Policy PG 3.
6. Site Allocations and Development Policies Document (SADPD)² Policy RUR 11 sets a threshold of 30%, anything above this is considered to be disproportionate. In the countryside outside of the Green Belt the threshold is 50%. The proposal includes a side extension and a linked double garage following demolition of an existing single storey extension and a detached garage. Additional floorspace would be added in the roof-space, part of which would be in the existing house and part in the extension. There are two sets of calculations in the Council's documents, the officer report calculates the increase in floorspace to be about 141% but if the accommodation in the roof-space were excluded, the increase would be 98%. The Council's appeal statement sets higher figures of a total increase in floorspace of 169% and 121% increase excluding the accommodation in the roof-space. The appellants' figures are considerably less with an increase quoted of 49.7%. An explanation of such a wide variation is not given but whatever calculation is taken, I am in no doubt that the 30% threshold is significantly exceeded.
7. However, Policy RUR 11 allows exceptions to this threshold where the additional floorspace would not result in a significant alteration to the building's envelope. Utilising the space in the existing roof-space should therefore be

¹ Cheshire East Council – Cheshire East Local Plan Local Plan Strategy 2010 – 2030 July 2017.

² Cheshire East Council – Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD) Adopted December 2022.

discounted. Another exception is where the proposal is within a village infill boundary as shown on the adopted policies map. I have not been supplied with a copy of the map but am told that the appeal site falls within the Henbury Village Infill boundary. Whilst an alternative numerical threshold is not given, in considering whether a proposal represents disproportionate additions, the policy indicates that matters such as height, bulk, form, siting and design should be taken into account.

8. The existing bungalow is modest in size and although the proposal would enlarge it, the appearance of the property would still be that of a bungalow with accommodation in the roof-space. No 5 is located at the head of the cul-de-sac but given the position of the extension and garage, it would not result in a building unduly large or out of keeping with its locality. The overall height, bulk, form and siting of the extension and the garage would not appear disproportionate or out of keeping with the design of the existing property. Furthermore, whilst the appeal site is within the Green Belt, it is surrounded by dwellings and its location within an infill village would ensure that any conflict with the purposes of Green Belts as set out in the Framework would not occur.
9. Consequently, I do not consider that the proposal would be inappropriate development in the Green Belt. It would not conflict with the Framework or Local Plan Strategy Policy PG 3 or SADPD Policy RUR 11. As the proposal would not be inappropriate development, there is no need for me to separately consider the issue of openness. There is also no need for me to consider any very special circumstances.

Living Conditions

10. The upper floor bedroom identified as bedroom 3 (master) would have roof lights and a tall window in the gable end. The latter would face the blank gable of the adjoining property, 1 Worthington Close, and the rooflights would be positioned approximately 2.4 metres above the internal floor level. This room would receive an acceptable level of natural light and ventilation but the outlook from it would be poor. However, this would be one room in the roof-space, all other rooms in the house would benefit from acceptable levels of natural light and outlook, including the existing two bedrooms on the ground floor.
11. Overall, the proposal would not result in living conditions that would be harmful to future occupiers of the appeal dwelling. Therefore, it would not conflict with the design principles set out in SADPD Policy GEN 1. Furthermore, it would meet the standard of amenity required by paragraph 135 f) of the Framework. The Cheshire East Borough Design Guide SPD is referred to but a copy has not been submitted with the appeal documents.

Conditions

12. In addition to the standard time limit condition, it is necessary to impose a condition requiring the development to be built in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. The Council also suggest a condition requiring the Council's approval of any facing or roofing materials. However, I am satisfied that the submitted plans clearly indicate the intended finishes and whilst there is a feature panel on the front elevation which indicates the colour is to be agreed, this would be a very small

part of the overall development and I do not intend to impose a condition requiring approval of it.

Conclusion

13. For the reasons given above the appeal should be allowed.

J D Clark

INSPECTOR