

Mrs. D. Smith
The Planning Inspectorate
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13th July 2017

Dear Deb

APPEAL REFERENCE: 3172708 – SHRUBBERY COTTAGE, CHEADLE ROAD, CHEDDLETON

I refer to your letter dated 12th July 2017 in respect of the above appeal. The following comments should be read in conjunction with the originally submitted Grounds of Appeal.

The Local Authority has submitted comments relating to what it now considers to constitute the 'original' dwelling for the purposes of assessing whether the proposed carport amounts to a disproportionate addition. In effect the Council are seeking to abandon the approach they have adopted in the previous application in favour of one which better suits their case for refusal, and in effect are moving the goalposts. The planning system thrives when there is certainty, but by changing the way in which a scheme is appraised from the approach previously adopted on the same site, only breeds uncertainty.

The Council makes reference to historic Ordnance Survey mapping and has provided a plan showing what it considers to be the various dates of construction of the original buildings on the site. The appellant's view on this is simple. The original building is taken to be the building as it existed on the site on 1st July 1948 (glossary to the NPPF refers), not when it was actually constructed. The Council's analysis shows that the sections of the building outlined in red, blue and orange all existed prior to 1948. The only section in question, and which the Council place their emphasis on, is the section shown edged green which they contend was constructed sometime between 1939 and 1965.

A review of Ordnance Survey mapping however clearly shows that a building existed in this general position in 1937, as evidenced by the OS Plan extract enclosed. The fact that there may have been a clear gap prior to then is irrelevant having regard to the provisions of the NPPF which require

consideration of the building as it existed on 1st July 1948. The building, as it existed in 1937, was one whole.

It is nevertheless acknowledged that the section of building in question is approximately half the size of that which existed in later years, with the section to the front added sometime after 1937 (albeit the date of its construction is not clear and could itself have been prior to the 1st July 1948). The reference by the Council in this regard to a photograph taken in 2008 is therefore not a relevant consideration, as they are making reference to the front elevation of the building, which from the evidence available was a later addition. It also has to be borne in mind that this building suffered from dereliction over the years, as evidenced by the fact that the previous owner of the site applied for permission to use the "derelict and abandoned" dwelling as a holiday let.

When taking account of the increase in the size of the centre section of the building from that which existed in 1937 (which is estimated to be in the order of 32 cubic metres), the increase in volume over and above the original building would still fall significantly below 30% (approximately 18.5%). The proposed carport would therefore still represent a proportionate addition to the original building.

I would request that these comments be taken into consideration in the determination of the appeal, along with those set out in the original Grounds of Appeal.

Yours sincerely



Rob Duncan