
Appeal Decision

Site visit made on 6 September 2016

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th September 2016

Appeal Ref: APP/R0660/W/16/3147997

Grey House, Audlem Road, Hankelow, Cheshire East CW3 0JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C Ainley against the decision of Cheshire East Council.
 - The application Ref 16/0083N, dated 6 January 2016, was refused by notice dated 7 March 2016.
 - The development proposed is the demolition of existing house due to persistent damp and erection of replacement house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing house due to persistent damp and erection of replacement house at Grey House, Audlem Road, Hankelow, Cheshire East CW3 0JE in accordance with the terms of the application, Ref 16/0083N, dated 6 January 2016, 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 the following approved plans: 1:1250 Location Plan; Part Site Plan dwg no. 1756/A/1C; Ground Floor Plan dwg no. 1756/A/2C; First Floor Plan dwg no. 1756/A/3D; East Elevation dwg no. 1756/A/4B; West Elevation dwg no. 1756/A/5C; South Elevation dwg no. 1756/A/6C; North Elevation dwg no. 1756/A/7C; Roadside Elevation dwg no. 1756/A/B; RBA\Hankelow\01.
 - 3) The materials to be used shall be in strict accordance with those specified in the application submission.
 - 4) The dwelling hereby permitted shall not be occupied until the window at first floor level on the south elevation has been fitted with obscured glazing and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no
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windows/dormer windows (other than those expressly authorised by this permission) shall be constructed on the south elevation.

- 6) The existing dwelling, 'Greyhouse' shall be demolished before the replacement dwelling approved herein is first occupied

Main Issues

2. The main issues in this appeal are
 - the effect of the development on the living conditions of the occupants of the neighbouring residential property, The Old Coach House, with regard to outlook and light; and,
 - the effect on the character and appearance of the area.

Reasons

Living Conditions

3. The proposed dwelling would be set further back into the site and as a result it would be within close proximity of the neighbouring dwelling, The Old Coach House. The boundary between the two properties is a low brick wall with a semi-permeable wooden fence on top.
4. The front elevation of the dwelling would be set back so that it would be approximately half way along the conservatories on the north east elevation of The Old Coach House. The two storey elevation would rise substantially above the boundary wall and due to its proximity it would dominate some views out of these conservatories. However, as a large section of the conservatories would not be overlapped by the dwelling I do not find that it would result in any significant loss of outlook from them.
5. Furthermore, as the conservatories are fully glazed, including the roof, I am satisfied that a sufficient level of daylight would still serve them. I note that the dwelling is to the north of the conservatories and therefore there would not be any significant loss of direct sunlight. Furthermore, for the same reason, there would not be any significant overshadowing effect.
6. I find therefore that the proposal would not have any significant harm on the living conditions of the occupants of The Old Coach House, with regard to outlook and light. As such, it complies with saved Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, which seeks to protect residential amenity. Furthermore, it would accord with the design objectives of the National Planning Policy Framework .

Character and Appearance

7. This stretch of Audlem Road predominantly comprises dwellings that line the northern side of the road. The buildings vary considerably in their design and size, although they are generally two-storey in height. The surrounding open fields and the large open spaces within the centre of the settlement create an open, semi-rural character to the area.
8. Generally, the properties follow an established building line, with them being set back from the highway. However, within the vicinity of the appeal site this building line is interrupted by natural boundary treatments, which prohibit views of the line in context between properties. This interruption is no more so than due to the existing dwelling directly fronting the highway.

9. I note the Council's contention that the proposed dwelling would fail to follow the existing building line. They raise no objection to the overall design of the dwelling and I find no reason to disagree with this view. The dwelling would be set back behind the front elevation of the neighbouring properties either side of the site. However, the removal of the existing dwelling would open up views of the building line between The Old Coach House and Lodge Farm.
10. Furthermore, the set back position of the dwelling would be more in keeping with the neighbouring properties than the existing dwelling. I note that The Old Coach House and the large commercial units to the north of the site have a built form that extends back some distance from Audlem Road. Therefore the dwelling would not be encroaching significantly further beyond any rear building line.
11. Overall, the proposed dwelling would be more reflective of the general pattern of development than the existing property and would enable improved visibility of the existing building line.
12. I find therefore that the dwelling would not significantly harm the character and appearance of the area and therefore complies with saved Policy BE.2 of the LP, which, amongst other matters, seeks to ensure that development enhances the built environment and respects the pattern, character and form of the surroundings.

Conditions

13. I have had regard to the various conditions that have been suggested by the Council. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
14. In the interests of the character and appearance of the area conditions regarding materials are necessary.
15. To protect the living conditions of the occupants of The Old Coach House, I have imposed a condition requiring the first floor window on the south elevation to be fixed and obscure glazed. For the same reason, I have also imposed a condition removing permitted development rights concerning the insertion of openings on this elevation.
16. The Council has not suggested one but it seems obvious to me, given the nature of the proposal, that a condition needs to be applied to secure the demolition of the existing dwelling before the new dwelling is first occupied.

Conclusion

17. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR