



Appeal Decision

Site visit made on 4 October 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 31st October 2016

Appeal Ref: APP/R0660/W/16/3154676

Flower Patch and East View, Whitchurch Road, Newhall, Aston, Nantwich, Cheshire CW5 8DN

- 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 and Mrs G Kirkham against the decision of Cheshire East Council.
 - The application Ref 15/5262N, dated 18 November 2015, was refused by notice dated 19 January 2016.
 - The development proposed is the demolition of existing dwellings and building of one new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwellings and building of one new dwelling at Flower Patch and East View, Whitchurch Road, Newhall, Aston, Nantwich, Cheshire CW5 8DN in accordance with the terms of the application, Ref 15/5262N, dated 18 November 2015, subject to the conditions set out in Annex A.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether or not the proposed development would be at risk of flooding, or would increase flood risk elsewhere.

Reasons

Character and Appearance

3. The appeal site is currently occupied a pair of semi-detached houses that are vacant, and in a dilapidated state of repair. The surrounding area is largely agricultural in nature, and there is a mixture of both traditional and modern agricultural buildings associated with the nearby farms. There are also a number of commercial properties along Whitchurch Road, including the Bakkavor Bread complex which is the nearest building to the site. Whilst residential properties are focused in the village of Aston there are sporadic wayside dwellings situated along all of the roads in the vicinity. These vary significantly in age, size, type, design and materials. The character of the area is therefore very mixed.
-

4. The proposal would be a two storey house with a contemporary design. Although the height and mass of the house would be greater than the existing dwellings on the site, it would still be domestic in scale. Given this, the lack of other dwellings immediately adjacent to the site, and the fact that there is little consistency in the scale and mass of houses in the wider area, it would not appear out of keeping.
5. Properties in the area are mostly of a brick construction, whilst the agricultural and commercial buildings use a variety of materials. The appeal scheme would be constructed from stone on the ground floor and larch cladding for the upper floors. Whilst these may not be the traditional materials used on dwellings in the area, the larch cladding would reflect the timber found on the upper part of many of the agricultural buildings. Moreover, the proposed stone is a form of sandstone which is a traditional building material in the area. As a result, these materials would not appear out of character.
6. The proposed dwelling would have a part flat, part mono-pitch roof. Although the majority of houses in the vicinity have either gable or hipped roofs, the nearby industrial complex, has a number of flat roof buildings that are visible from the road. As such this element of the proposal would not be an alien feature in the street scene. In addition, each elevation would incorporate a variety of set-backs, which would create variation and interest to the external appearance of the dwelling.
7. In addition, I observed that although surrounded by relatively flat fields, the roadside hedges limit views of the site to the short/medium range. In order to create a safer access to the site, the proposed dwelling would be set further back from the road. These factors, together with the additional landscaping of the site, would ensure that the new dwelling would not be a dominant feature in the street scene.
8. All in all, I consider that the proposed development would not unacceptably harm the character and appearance of the area. Accordingly, there would be no conflict with Policies BE.2 and RES.10 of the *Crewe and Nantwich Replacement Local Plan 2011 (adopted February 2005)* (CNLP) which seek to ensure that new developments have a high standard of design that respects the character of the surroundings, and that replacement dwellings in the open countryside should, amongst other things, respect the existing building and its settings, and the vernacular character.

Flood Risk

9. The appeal site is located within Flood Zone 3 and is a "more vulnerable" type of development. The *National Planning Policy Framework* (the Framework) and the *Planning Practice Guidance* (PPG) set out strict tests to protect people and property from flooding. The aim of these being to avoid inappropriate development in areas at risk of flooding by directing development away from areas of highest risk. Table 3 of the PPG indicates that for "more vulnerable" uses to be appropriate in Flood Zone 3a, the Exception Test needs to be passed.
10. Although, a full Flood Risk Assessment was not submitted with the application, one has been submitted with the appeal. The scope of this was discussed with both the Environment Agency, and the Council, as the Lead Local Flood Authority. The Assessment sets out how the appeal scheme satisfies the sequential and exception test. It concludes that the proposed development

would reduce the flood risks within the site as the number of users would be reduced, and the proposed finished floor level of the dwelling would be higher than in the existing houses. In addition the proposed drainage systems, and the flood mitigation measures, would ensure that the development would not increase flood risk elsewhere. The Council has not raised any objection to this assessment or its findings.

11. Therefore I consider that the proposed development would not be at risk of flooding, nor would it increase flood risk elsewhere. As a result there would be no conflict with Policy NE.20 of the CNLP which requires proposals in the indicative flood plain to be supported by a Flood Risk Assessment with appropriate flood prevention and mitigation measures, and not to create, or exacerbate, flooding elsewhere. Nor would it be contrary to the Framework, which seeks to ensure that inappropriate development in areas in risk of flooding is avoided.

Other Matters

12. Although not referred to by the Council, reports have been submitted regarding the potential of the site for both Bats and Barn Owls. The former indicates that a European Protected Species licence will be required. The report, which has been prepared by a professional ecologist, gives no grounds to indicate that such a licence would not be obtained subject to various mitigation measures. Therefore, subject to conditions to secure the implementation of mitigation measures, I consider the proposal would not be detrimental to protected species.

Conclusion and Conditions

13. For the reasons set out above, I conclude the appeal should be allowed.
14. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, as this provides certainty. In the interests of the character and appearance of the area conditions are required to control the external appearance of the dwelling, and the landscaping of the site. However, as a landscaping scheme has already been submitted a condition requiring this is not necessary, and as the proposal is for a domestic property I have amended the wording of the condition relating to the implementation of the scheme.
15. A number of conditions are required to protect and ensure adequate mitigation is carried out for protected species for nature conservation reasons. In the interests of highway safety, a condition is required to ensure the provision of the new access before development commences, and the completion of the drive before the dwelling is occupied. In the interest of flood prevention a condition is required to ensure compliance with the measures set out in the Flood Risk Assessment, and to control the finished floor levels of the dwelling. The PPG indicates the restrictions of permitted development rights should be exceptional. In the absence of any substantive reasoning in this regard, I am not persuaded that it is necessary to remove the permitted development rights suggested by the Council.

Alison Partington

INSPECTOR

Annex A

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: Location Plan A112-A1; Proposed Block Plan A111-A1; Proposed Site Plan A104-A1; Proposed Landscape Plan A106-A; Proposed Ground Floor Plan A101-A1; Proposed First Floor Plan A102-A1; Proposed Elevations A121-A0; Sections A130-A1; Proposed Drainage Plan A108-A1 .
- 3) No development involving the use of any facing or roofing materials shall take place until samples of all external facing materials have been submitted to, and approved in writing by, the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 4) All hard and soft landscaping works shall be carried out in accordance with the landscaping scheme approved under condition 2 of this permission in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or hedging plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No development shall take place until a method statement and mitigation scheme for Barn Owls in accordance with the recommendations made in the Barn Owl Survey prepared by Eyebright Ecology dated 7 January 2016, has been submitted to, and approved in writing by, the local planning authority. The development shall be carried in accordance with the approved method statement and the mitigation measures shall be permanently installed prior to the first occupation of the dwelling hereby permitted, and thereafter retained.
- 6) The proposed development shall be carried out in accordance with the recommendations and mitigation measures in the Bat Survey Report by Eyebright Ecology dated August 2014 unless varied by a European Protected Species licence subsequently issued by Natural England.
- 7) No other development shall take place until the access to the site, as shown on the proposed Site Plan approved under condition 2 to this permission, has been provided. The dwelling hereby permitted shall not be occupied until the driveway has been completed in accordance with the plans approved under condition 2 to this permission, and shall be permanently retained as such thereafter.
- 8) The development hereby permitted shall be carried out in full accordance with the Flood Risk Assessment (Issue 01) dated 13 July 2016.
- 9) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed dwelling, in relation to existing ground levels have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved levels.