The Planning Inspectorate

Appeal Decision

Site visit made on 31 October 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 18th November 2016

Appeal Ref: APP/R0660/W/16/3156584
Land to the Rear of Heald Court, 34 Hawthorn Lane, Wilmslow, SK9 5DG

- 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 Michael Cooksey of Village Heritage Ltd against the decision of Cheshire East Council.
- The application Ref 15/5642M, dated 21 October 2015, was refused by notice dated 24 May 2016.
- The development proposed is 3 fully accessible eco home bungalows.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue for the appeal is whether the proposal would preserve or enhance the character or appearance of the Hawthorn Lane, Wilmslow Conservation Area.

Reasons

3. The site lies in the Hawthorn Lane, Wilmslow Conservation Area. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area. Policy BE3 of the *Macclesfield Borough Local Plan* (Local Plan) seeks to ensure that development in Conservation Areas preserves or enhances the character and appearance of that area and reflects the statutory duties defined in the act.

4. The Hawthorne Lane, Wilmslow Conservation Area is characterised by a 19th century street pattern. Along Hawthorn Lane properties are typically large detached and semi-detached dwellings which face directly onto the road on large plots. The relatively close spacing of dwellings provides limited views of the large gardens to the rear. Nevertheless, the Conservation Area Appraisal (CAP) for the area identifies the rear gardens of the houses on either side of the appeal site, along with the low density of the residential development and the presence of the woodland bordering The Carrs as being attributes which contribute to the attractive character of the area. The appeal site is a piece of overgrown land which lies to the rear of the car park for Heald Court, a modern block of flats which sits on Hawthorn Lane. Heald Court is notable as a departure from the largely Victorian streetscene of large family dwellings. The

site lies on the edge of the Conservation Area and adjoins The Carrs to the rear. It is accessed via an existing vehicular access which serves the car park.

5. The proposal comprises the erection of 3 fully accessible, two bedroom eco bungalows with associated parking and landscaping. The dwellings do not seek to reflect the prevailing architectural style and instead would be single storey, with natural facing materials and green roofs. Although they would be relatively modest in scale, and set within well landscaped plots, the appearance of the dwellings would nonetheless appear incongruous when viewed in the context of both the prevailing building style of larger family dwellings and the linear street pattern. I noted on site that as the appeal site was set back from the road it was not prominently visible from Hawthorn Lane, and heavy tree cover to the rear screens it from The Carrs. Nevertheless, the proposal would be visible from the rear of properties along Hawthorn Lane. In these views the uncharacteristic form of the proposal and the loss of openness that would arise from their introduction behind the established frontage would detract from the spacious character of this part of the conservation area.

6. Local residents have expressed fears that the proposal would form an undesirable precedent for future, similarly intrusive development. I noted on site that some properties along Hawthorn Lane had gaps to the side or small outbuildings to the side which could be removed to provide access to the rear gardens beyond. It is therefore likely that if the precedent for backland development was established it could be the impetus for further development of large rear gardens. The long gardens to the rear of properties are identified in the CAP as being the most extensive area of open space in the Conservation Area which contributes to its low residential density. Such development would have a further erosive and harmful effect on the area's established spacious suburban character.

7. It follows that the proposal would erode the established character of the Hawthorn Lane Wilmslow Conservation Area and so would fail to preserve or enhance its character or appearance. It would therefore be contrary to Policy BE3 of the Local Plan, which seeks to resist such development. The harm identified would amount to "less than substantial harm" which the *National Planning Policy Framework* (the Framework) advises must be weighed against the public benefits of the scheme.

8. The proposal would provide 3 dwellings in an accessible location which would be suitable for those with restricted mobility,potentially from the local area. It would also be built to a high standard of energy conservation. The appellant states that the dwellings could be delivered immediately, without any infrastructure requirements. I am advised that the Council is currently unable to demonstrate a 5 year housing land supply and that the Borough has an identified need for smaller dwellings. It follows that the provision of housing must carry substantial weight. Nevertheless, the contribution the dwellings would make to even a large deficit in housing supply would be relatively limited, and this reduces the weight I attribute to it as a public benefit.

9. I am also advised that the scheme would allow for ecological and habitat improvement on the site. However, these benefits are unsubstantiated and largely amount to works in mitigation of the effects of the proposal on protected species or landscape and so do not weigh in favour of the proposal. Furthermore, the absence of harm in relation to residential amenity and

highway safety is a neutral factor which does not carry weight as a public benefit. The proposal would bring some limited economic benefits during construction and through the spending of new residents in the area and I attribute this some limited weight.

10. Heritage assets are an irreplaceable resource and the Framework is clear that in considering the impact of development on the significance of heritage assets, great weight should be given to the asset's conservation. Consequently I conclude that the small contribution the proposal would make to housing supply including that arising from the need for accessible or smaller accommodation, and the limited economic benefits would be insufficient to outweigh the harm the proposal would cause to the character and appearance of the Conservation Area. I therefore conclude the proposal would fail to comply with national policy outlined in the Framework.

11. The Framework advises that where a 5 year housing land supply cannot be demonstrated, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or, specific policies in the Framework, including those relating to designated heritage assets, indicate that development should be restricted. Therefore, as I have found that the proposal would conflict with policies in the Framework aimed at conserving heritage assets so that they can be enjoyed for their contribution to the quality of life of this and future generations, I find no conflict with the presumption in favour of sustainable development explicit in paragraph 14 of the Framework.

Conclusion

12. The proposal fails to comply with national policy outlined in the Framework and with policy BE3 of the Local Plan as it would fail to preserve or enhance the character or appearance of the conservation area. No identified benefits would outweigh this harm. I have also considered the comments of local residents and interested parties and do not consider that any of the matters raised alters my reasoning above. Therefore, for the reasons set out above, and having regard to all other matters raised, I dismiss the appeal.

Anne Jordan

INSPECTOR