

Appeal Decision

Site visit made on 24 October 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/R0660/W/16/3155983

Withinlee Hollow, Withinlee Road, Mottram St Andrew, Macclesfield SK10 4AT

- 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 Lingfield Homes & Property Development Ltd against the decision of Cheshire East Council.
 - The application Ref 15/1886M, dated 22 April 2015, was refused by notice dated 10 May 2016.
 - The development proposed is the erection of a contemporary 2 storey 4 bedroom dwelling with external underground garage and central courtyard, all situated in a NorthEast - SouthWest setting within a 0.831 acre (3,364m²) sloping plot. The principal living areas are located on the first floor (at ground level) and bedrooms and home leisure spaces are located within the sub-level (below ground level).
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's Statement of Case states that this site is located within the North Cheshire Green Belt. However, it has subsequently been confirmed that this is not the case.

Main Issues

3. The main issues in this case are:
 - (1) The effect of the proposal on the character and appearance of the area; and,
 - (2) Whether the proposal would lead to an intensification of the use of the access driveway which would have an effect on highway safety in the vicinity of the appeal site.

Background

4. The appeal site is an irregularly shaped parcel of land which is part of a plot associated with the property known as Withinlee Hollow. It lies to the north west of the existing property and has the access driveway to this property running along its south western side. It is currently used as a paddock and has a significant falling gradient from the north west to south east. It has mature trees, some of which are protected by Tree Preservation Orders, on its
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southern and north eastern boundaries. It has the large residential plots associated with Clover Heights, Withinlee and Withinlee Court adjoining its northern, eastern and western boundaries.

Reasons

Character and appearance

5. Withinlee Road is located on the outskirts of Prestbury village and is characterised by substantial properties of traditional appearance located in good sized plots. A number of properties on the southern side of the road, including the appeal site, are located behind the main road frontage. In these cases, plot sizes are typically larger and more irregular in shape, presenting detached properties set in substantial grounds, which connect to the fields to the south east of Withinlee Road. There are also some more modest properties on considerably smaller plots in the vicinity, including those within the short cul-de-sacs of Holmlee Way and Tudor Drive, to the east and west of the appeal site respectively.
6. The appeal proposal would place a substantial 4/5 bedroomed split level dwelling centrally on this site. This would include a separate triple garage and workshop to the north, and central courtyard. The dwelling itself has been designed to work with the existing slope so that it would appear as single storey to its northern elevation and two storey to its southern elevation. It would be of contemporary design with a flat roof, including a glass atrium, a substantial glass conservatory and both timber and stone cladding. A large number of existing boundary trees would be retained.
7. The site lies within a low density housing area to which saved Policy H12 of the Macclesfield Borough Local Plan 2004 (the Local Plan) applies. This states that new housing will not normally be permitted unless a number of criteria are met. For Prestbury this includes the requirement that both the new housing plot and the remaining plot should be approximately 0.4 hectares (1 acre). In the present case the parties agree that both the appeal site and the remaining plot associated with Withinlee Hollow would fall below 0.4ha. In this respect it is relevant to note the detailed assessment of average plot sizes presented in the Prestbury Village Design Statement (2007) (the VDS), which states that in this locality the average plot size is 0.22ha¹.
8. Statements and evidence presented by all parties suggest that plot size is only one part of the assessment of the effect of a scheme on the character of an area, and that this figure should not be applied rigidly. I have no reason to disagree with this assessment, particularly in the light of my earlier references to some variation in local plot sizes. Nonetheless I have noted that the plot sizes associated with the immediate neighbours of the appeal site, to the rear of Withinlee Road, are larger and more irregular in shape than many of those fronting the road.
9. In this respect it is relevant to consider the requirement of Policy H12 that development should have high standards of space and commensurate plot widths and spaces between the sides of dwellings to that of the local surrounds. The somewhat irregular plot shape and the angle of the proposed

¹ Appendix 1: Metric Densities of Built Area. Refers to the Castle Hill, Saddleback, Withinlee Road (south side), Tudor Drive and Holmlea Way area

dwelling would mean that the spaces surrounding it would be of a variety of shapes, with a larger garden area to the south and south east. Of concern however would be the extent of plot coverage in terms of the building itself, the driveway, the garage and courtyard areas covering a significant proportion of the plot. In this respect, the proposal would not share the spacious landscape setting of its immediate neighbours.

10. I accept that it is not uncommon for driveways in this area to serve more than one dwelling, and that the existing driveway to Withinlee Hollow would not change as the result of this development. Nevertheless in seeking to create an additional residential curtilage on this site, the extent and dominance of this driveway, which effectively restricts the useable area of this site, would mean that this plot would not reflect the spatial qualities of adjacent plots.
11. I accept that the VDS refers to the prevention of overdevelopment of sites in terms of extensions to existing buildings, rather than new dwellings. However, this document also refers to the need for new buildings to be sympathetic to the scale and density of the properties around them. In this respect my view is that the scale of this proposal combined with the constraints of this site mean that this requirement would not be achieved.
12. Policy H12 also states that development will not normally be permitted unless the proposal would be sympathetic to the character of the established residential area, particularly taking into account the physical scale and form of new development. Similar requirements are set out in the Prestbury Supplementary Planning Document (2011) and the VDS. In the present case it is clear that the contemporary appearance of the appeal proposal would contrast with the traditional appearance of neighbouring properties. However, I accept that the building has been designed in response to the constraints of this site, and has sought to minimise the visual intrusion in the surrounding area.
13. In such situations design can be a subjective matter, and I note the appellant's reference to paragraph 60 of the National Planning Policy Framework (the Framework) which requires that planning decisions should not stifle innovative or creative design solutions. Paragraph 60 also refers to the fact that it is appropriate to seek to promote or reinforce local distinctiveness. My view is that whilst the design of this building would be reasonably discrete and not in itself unacceptable, the restricted nature of this plot means that this proposal would fail to reflect the generous landscape setting of adjacent properties and in this respect would harm local character.
14. I conclude on this matter that this proposal would have a detrimental effect on the character and appearance of this area. It would conflict with the Local Plan policies H12 and BE1, both of which require new development to reflect the local character of buildings and their settings.

Highway Safety

15. The appeal site would be accessed via the private driveway which serves Withinlee Hollow and also Withinlee Court. The driveway is around 80m in length before reaching the gated entrances of both Withinlee Court and Withinlee Hollow. It has a good surface, is of reasonable width, and is well maintained with mature shrubs on either side.

16. The parties agree that at the point of access onto Withinlee Road there is restricted visibility due to the narrow verge/footway and high hedge boundaries. This falls considerably below the accepted visibility standards in terms of stopping sight distances for an access onto a road with a 30mph speed limit². I accept that other points of access onto Withinlee Road are restricted, that accident data for the past 5 years indicates that there have been no accidents on Withinlee Road, and that in such situations drivers generally proceed with caution. I also accept that this part of Withinlee Road is straight thus affording good visibility for drivers travelling through this area, and the possibility of drivers emerging from this driveway being seen from some distance away.
17. Nevertheless, this straight carriageway also provides the potential for vehicles to travel at speeds up to and above the speed limit. Furthermore, opportunities to improve visibility for drivers emerging from this driveway are restricted by the fact that the side boundaries are owned by third parties. In this context the risks associated with the possible intensification of the use of this access point must be considered.
18. The appeal site and the pasture field to the south of Withinlee Hollow are currently being used as grazing land by an animal charity. The appellant argues, and indeed the Council initially accepted, that the access requirements associated with the animal charity equate to that which would be generated by the proposed new property. It is therefore suggested that if the charity were to vacate the site, and the new dwelling were to be constructed and occupied, there would be little difference in traffic volumes passing through the point of access.
19. Survey data examining vehicular movements to access the appeal site and adjacent properties has been presented by the appellant, the Council and third parties. This covers a range of dates and times, with a complicating factor being the fact that Withinlee Hollow has until recently been vacant, and also that building work was undertaken at this property earlier this year. It is therefore difficult to extrapolate trends or specific patterns of use from this data. Nevertheless I accept that movements associated with the animal charity vary with the nature of the animals being cared for at any particular time, some of which will require a high level of attention and therefore frequent visits.
20. Whilst it appears that at times during 2015 there was very little vehicular movement relating to the Withinlee Hollow site, it is also clear that at times vehicular movement associated with the animal charity during the survey periods in 2016 demonstrate greater activity. It is difficult to predict the likely volume of traffic which would be associated with a dwelling of this nature, and the parties differ in term of suggestions as to what might be 'typical' in this respect. Nevertheless I accept that, when at its greatest, the number of movements generated by the animal charity have not been dissimilar to that which a reasonably sized residential property in a semi-rural location would reasonably be expected to generate.
21. It is relevant to note that post, refuse and other regular access requirements would be shared by all three dwellings, thus limiting the individual use of this junction. I also accept that if the animal charity were to leave then access by

² 'Manual for Streets' Department for Transport 2007, Table 7.1

horse trailers and boxes would no longer be required. My view is therefore there would not be an intensification of the use of this point of access as a result of the development.

22. Reference is also made to the need to ensure that the current use of this site by the animal charity ceases if this development were to be permitted. The appellant initially indicated a willingness to enter into a unilateral undertaking to prevent animal related traffic from passing through the appeal site, if development were to be permitted. However, in response to concerns about the enforceability of such a provision, and on the basis that if the development were to proceed the paddock area would no longer be available as grazing land, this has not been progressed. I accept that this is a reasonable position to take. Furthermore, if the approved residential redevelopment of Withinlee Hollow were to proceed along with the development of the paddock, I have no reason to believe that the animal charity would continue to use the pasture field to the south.
23. I conclude on this matter that the proposal would not lead to an intensification of the use of the access driveway. It would not, therefore, have an adverse effect on highway safety in the vicinity of the appeal site. In this respect the proposal would not conflict with Policies H2 and DC6 of the Local Plan which require new development to create safe layouts. It would also comply with paragraph 32 of the Framework which states that safe and suitable access to the site should be achieved for new development.

Other Matters

24. The Council has stated that it is unable to demonstrate a 5 year supply of housing land. In this circumstance, in accordance with paragraph 49 of the Framework, the relevant local policies for the supply of housing cannot be considered up-to-date. Therefore the presumption in favour of sustainable development should prevail and planning permission granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. In this case the net addition of one new dwelling in a reasonably sustainable location does carry moderate weight in favour of the proposal. However, my view is that the adverse effect identified in terms of the impact on the character of the area, would significantly and demonstrably outweigh the contribution of a single unit of housing to the present shortfall when assessed against the Local Plan and Framework taken as a whole.

Conclusion

26. I have found in this case that whilst the proposal would not have an adverse effect on highway safety, it would have a detrimental effect on the character and appearance of this area. For these reasons, taking into consideration all other matters raised, I conclude that the appeal should fail.

AJ Mageean

INSPECTOR