
Appeal Decision

Site visit made on 7 December 2016

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 10th January 2017

Appeal Ref: APP/R0660/W/16/3158102

Woodcote, 17 Torkington Road, Wilmslow, Cheshire East SK9 2AE

- 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 Owen Fitzpatrick against the decision of Cheshire East Council.
 - The application Ref 15/3161M, dated 9 July 2015, was refused by notice dated 10 March 2016.
 - The development proposed is to demolish existing house and erect a detached house with integral garage.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing house and erect a detached house with integral garage at Woodcote, 17 Torkington Road, Wilmslow, Cheshire East SK9 2AE in accordance with the terms of the application, Ref 15/3161M, dated 9 July 2015, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site consists of a large detached two storey dwelling, set within relatively spacious grounds. The area around the site is predominantly low density residential development of a variety of architectural styles and ages. The appellant's evidence suggests that a number of dwellings along Torkington Road are modern replacements, interspersed with older original dwellings. This would be consistent with my own observations. The area is identified as a 'Low Density Housing Area' in the Local Plan¹ (LP).
4. The site sits between No 15 and No 19, which are both detached dwellings of a smaller scale than the existing house at No 17. There is a good degree of separation between these buildings and the boundary treatments to both sides consist of hedgerow and mature landscaping. This extends to parts of the front boundary, where there is one tree protected by a Tree Preservation Order (TPO).

¹ Macclesfield Borough Local Plan – January 2004

5. The replacement dwelling would sit predominantly on the footprint of the existing dwelling, but would be larger. It would also be taller than the existing house in places, which is the Council's main concern. The existing dwelling is already taller than the two neighbouring properties. Whilst the development would increase this at the highest point by just below 1 metre, the overall effect on the street scene and the relationship between these dwellings would not be significant. As noted above, Torkington Road is made up of a variety of large detached dwellings, many of them modern and some of considerable height. Whilst the development would be one of the taller buildings along the street, within this context, it would not be an incongruous addition to the area.
6. The fundamental character of the plot would remain as a large detached dwelling, set in spacious grounds with verdant mature landscaping providing the boundary treatment. Views along the street would not change significantly, as the dwellings would be seen in much the same context as they are now, with the landscaping providing an attractive aspect to the street scene and significant screening between No 15, No 17 and No 19. The increase in height or design of the development would not alter this character to any noticeable degree.
7. Where it would be possible to see the development in context with the neighbouring properties, the difference in heights would be evident. As this is already the case, any harm would be negligible. I recognise that the proposed roof profile would create more height and bulk toward No 19 than is currently the case. However, I do not see this as being materially harmful to the character of the area. There would still be sufficient distance between the dwellings to ensure that the development would not be an unduly dominant structure. Neither the physical or visual relationship between No 17 and No 19 would change significantly as a result of the development. Moreover, the high degree of articulation in the design of the new dwelling would also help to break up and soften the effect of the change in character of the site.
8. The development would not appear cramped in its setting and would relate well to the general character of dwellings in the vicinity of the site. The changes proposed would not appear incongruous or harmful in comparison to other clearly modern and recently built dwellings in the immediate area. There is no overriding architectural character to the street, and thus the difference in height and style between neighbouring buildings would not result in a harmful impact to either the immediate vicinity of the site or the wider character of Torkington Road. The development would merely add to the variety that already exists in an appropriate manner.
9. As such, I find the development would have an acceptable impact on the character and appearance of the area. Accordingly, there would be no conflict with saved policies BE1, H13 or DC1 of the LP which, amongst other things, seek to promote high standards of design which reflect and are sympathetic to local character. There would also be no conflict with policy H12 which only allows for new housing in low density housing areas where it is sympathetic to the established character, including the scale and form of new houses and plot widths and the existing low density of the area is not exceeded. The development would also comply with the requirements of paragraph 17 of the National Planning Policy Framework in terms of securing high quality design.

Other matters

10. I note that the Council raised no concerns over any impact on the privacy of neighbouring occupants. I have seen nothing to suggest I should not agree with their conclusions on this matter. Windows facing other properties would either be a sufficient distance away to ensure no undue risk to privacy, or of a nature that would restrict overlooking. The use of obscured glazing is identified in the plans for some windows and this can be required by condition. Construction noise and disturbance are generally temporary in nature and are not sufficient to withhold permission in this case.
11. Concern has been raised that the existing dwelling is habitable and that it is a waste of resources to rebuild. As far as I have been made aware, the existing dwelling is not subject to any heritage or other policy requirements that would justify its retention. As such, there is nothing before me to suggest that I should dismiss the appeal based on the principle of redevelopment.
12. An interested party has questioned the bat survey. However, the Council raised no objections in this regard and I have not been provided with substantive evidence that refutes the findings of the survey. I am satisfied, therefore, that there would be no material harm to bats or any other biodiversity interest.
13. Comments were received during the application process that other permissions in the area had not been built in accordance with the approved plans. This would be a matter for the Council to address and is not relevant to the determination of the appeal. I have also noted one comment from a neighbour relating to procedural issues with the application. Again, this would be a matter between the interested party and the Council and is not something for me to consider.

Conditions

14. I have considered the suggested conditions from the Council in accordance with the guidance contained in the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed conditions specifying the relevant drawings as this provides certainty.
15. I have imposed a condition relating to the use of materials in the interests of the character and appearance of the area. For the same reason, and to ensure adequate protection of important trees, I have imposed a condition requiring the agreement and implementation of a tree protection scheme.
16. I have also imposed a condition requiring the installation of obscured glazing as shown on the approved plans. This is in the interests of ensuring adequate levels of privacy to neighbouring occupants. This issue was raised by interested parties and I consider a condition would be necessary in this case.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of 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: 464/Sh2, 464/Sh3, 464/S Rev F, 464/Sh4A Rev F, 464/Sh5 Rev D.
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on approved plan no. 464/S Rev F.
- 5) The building hereby permitted shall not be occupied until the windows identified on approved plan 464/S Rev F as 'OBSCURE GLAZED VELUX NON OPENABLE' have been fitted with obscured glazing, and no part of those windows 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 windows are installed and once installed the obscured glazing shall be retained thereafter.