The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/R0660/W/16/3165695
Fiddlers Elbow, Wilmslow Road, Mottram St Andrew, Cheshire East SK10 4QT

- 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 Mark Davenport against the decision of Cheshire East Council.
- The application Ref 15/5814M, dated 22 December 2015, was refused by notice dated 24 June 2016.
- The development proposed is the Erection of one detached dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the setting of Cherry Tree Cottage, a grade II listed building; and (ii) whether the proposal would be sustainable development.

Reasons

Listed Building

3. Cherry Tree Cottage is a grade II listed building. It is a former lodge to Mottram Old Hall and is dated 1742. The cottage is set within attractive landscaped grounds and is positioned on a bend in Wilmslow Road that rises up steadily beyond the gated vehicular entrance and driveway to Mottram Hall. The highway is lined by mature trees and hedgerows. Cherry Tree Cottage is a two storey pitched roof dwelling that has been extended at the rear. It is constructed from brick that has been painted white. The two storey rear extension uses a pitched roof and has introduced larger contemporary sections of glazing to the rear and in the roof of a single storey element to the side.

4. The proposal would introduce a dwelling with a flat roof design that would not have any direct architectural correlation with Cherry Tree Cottage. However, the appellant considers that this would ensure that it is viewed as a clear and distinct entity so that it would be a building of its time and it responds to the existing pattern of development.

5. While I recognise this and the site could accommodate a detached dwelling, I consider that the proposal would be a stark contrast to Cherry Tree Cottage itself. It would be readily apparent on approach to the site from either direction on Wilmslow Road. These are important views of the cottage and

while there are more contemporary recent additions to Cherry Tree Cottage, these have been sympathetically designed so that they appear to be original components of the property and they are not visible on approach on Wilmslow Road. This would be unlike the proposed dwelling which would use a combination of cedar cladding and render. The use of these materials together with the shape of the dwelling, even with a relatively straight forward design, would lead to a visual impact and a form of development that would not complement the setting of Cherry Tree Cottage.

6. The dwelling would be sited closest the adjacent outbuilding in the grounds of Cherry Tree Cottage and there would be an acceptable degree of spacing. However, even though the land falls away from the road and the proposed dwelling's height would be lower than the extant planning permission[1], the perceived scale and bulk of the dwelling would be striking and prominent. Thus, the proposal would visually compete with the heritage asset, in particular when viewed from Wilmslow Road, even with the aid of landscaping. The outcome would be harmful to the significance of the designated heritage asset, due to the effect of the development on its setting. I attach considerable weight and importance to the preservation of the asset's setting.

7. Even though there is a modern detached dwelling adjacent to the access leading up to Mottram Hall, the design of this house differs considerably to the proposal. Moreover, there is a significant gap between this dwelling and Mottram Hall as well as the appeal site. As such its effect on the significance and setting of Mottram Hall is not similar and I have considered the appeal scheme on its own merits.

8. Paragraph 132 of the Framework explains that *"as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."* While I am mindful of paragraph 137 of the Framework, I do not consider that the proposal would preserve aspects of the setting of Cherry Tree Cottage. The proposal would also not better reveal the significance of the listed building, as it would largely mask Cherry Tree Cottage on approach from the south on Wilmslow Road. Despite this, I consider the harm to the heritage asset's setting is less than substantial. Thus, as per paragraph 134 of the Framework this must be weighed against the public benefits of the proposal.

9. I note the appellant's intentions to create a low carbon dwelling using high quality materials and technologies, including high standards of insulation and air tightness, underfloor heating and a mechanical ventilation and recovery system. Such measures are however increasingly commonplace in many new builds which create a modern living environment. Although cedar cladding, render and semi-mature planting are proposed with the aim of achieving a low impact development, I do not consider they would ensure that the proposal would harmonise with the setting of the listed building.

10. The appellant also considers that a fallback position exists and has provided copies of plans which were approved as part of a planning permission for detached two storey dwelling[2]. Whilst the approved dwelling has not been built, I note the Council do not dispute appellant's point that the outbuilding and garage which also formed part of that scheme have been commenced and

[1] Council Application Ref: 09/2336M
[2] Council Application Ref: 09/2336M

that pre-commencement conditions have been satisfied. Thus, it appears that this permission remains extant and fully capable of being finished.

11. The appeal scheme is an alternative to the extant permission and I have no reason to suppose that there would be no reasonable prospect of it actually being carried out. Given the position of the respective dwellings only one scheme could be carried out. In comparison, despite the appeal scheme's lower height, it would have a wider elevation facing Wilmslow Road and overall greater footprint arising from its length and width, especially towards the rear of the site. More fundamentally, the character and appearance of the proposal would, unlike the extant permission, not reflect the setting of the adjacent listed building. On this basis, I consider the appeal scheme would be more harmful than the extant permission on its own.

12. Turning now to the use of permitted development rights for the extant permission. I have no reason to doubt that permitted development rights were removed as part of that permission. However the approved dwelling would need to be built first. While this remains a distinct possibility, I consider that there is sufficient doubt, as to whether the elevation facing Wilmslow Road is the 'principal elevation'[3], given the main architectural features, including the main entrance to the house are in the west elevation[4]. I also have doubts as to whether a two storey extension to its north elevation of the size and position shown could be built, given the proximity of the flank boundary to Cherry Tree Cottage and any likely eaves height of a two storey extension. I recognise the appellant could still seek to use permitted development rights. However I am not satisfied that the scale and massing of the extensions shown[5] could come forward and therefore result in a bulkier building when compared to the appeal scheme. Accordingly I do not consider that a genuine fallback position exists that is of a sufficient justification to outweigh my concerns.

13. Thus, I do not consider that these benefits are sufficient to outweigh the less than substantial harm, to which I attached considerable weight.

14. I conclude therefore, on this issue that the proposal would significantly harm the setting of Cherry Tree Cottage, a grade II listed building. The proposal does not accord with Policies BE1 and BE2 of the Macclesfield Borough Local Plan and with paragraphs 134 and 137 of the Framework. Together, these policies seek development to reflect local character, respect form, scale and design of surrounding buildings and their setting so that they conserve and enhance the historic fabric of the environment.

Whether the proposal would be sustainable development

15. The Council accepts that they are, for the purposes of paragraph 49 of the Framework currently unable to identify a five year supply of deliverable housing sites. Thus, relevant housing supply policies should be considered out of date. Paragraph 49 of the Framework requires housing applications to be considered in the context of the presumption in favour of sustainable development. This is set out at paragraph 14 of the Framework, which for decision-making purposes this means: where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so

[3] Department for Communities and Local Government, Permitted development for householders, Technical Guidance, April 2016, General Issues
[4] Appellant's Appendix 3
[5] Appellant's Appendices 4 and 5

would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

16. Footnote 9 of the second indent of bullet point 4 in paragraph 14 identifies that designated heritage assets can be such a policy. So, even if the development plan is out-of-date and the Cheshire East Local Plan Strategy is at an advanced stage, it would not alter my approach if I were to conclude that designated heritage asset policies indicate that the development should be restricted.

17. In terms the economic role, I attach a limited positive weight to the proposals contribution to the economy through construction jobs linked with the dwelling. In the social role, I attach a neutral weight to the living conditions of neighbouring occupants given the local and national policy objectives. Given the site benefits from an extant planning permission for a single dwelling, a neutral weight is attached to the proposal's contribution to the supply of housing and its accessibility to local services. A significant adverse weight is attached to matters relating to the creating a high quality built environment.

18. With regards to the environmental role, neutral weights are attached to biodiversity and the natural environment. I attach a moderate weight to the proposal's contribution to mitigating and adapting to climate change and moving to a low carbon economy. A significant adverse weight is attached to matters relating to the built and historic environment.

Other Matters

19. The site is also in the Green Belt. However given my findings relating to heritage matters, I have not considered points concerning the Green Belt any further. I also recognise the parties have been willing to, and aim to continue to work together with a view to finding a solution. While the appellant would accept outline permission being granted reserving the appearance for later consideration, I have considered this appeal on the basis of the development that has been applied for which is said to stand on its own design merits.

Conclusion

20. As I set out earlier, bullet point four of paragraph 14 of the Framework applies. I have found that the public benefits of the scheme would not outweigh the less than substantial harm that would arise in respect of the first main issue. I give this harm considerable importance and weight. As such a significant adverse weight is attached to aspects of the social and environmental roles. Although the proposal would fulfil the economic role of sustainable development, the proposal would not fulfil the social and environmental roles. Thus, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits which would arise from the proposal, when assessed against the policies in the Framework taken as a whole. The proposal does not therefore represent a sustainable form of development.

21. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR