
Appeal Decisions

Site visit made on 24 April 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 16th May 2017

Appeal A Ref: APP/R0660/W/17/3168775

Coppers, 10 Congleton Road, Alderley Edge SK9 7AA

- 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 Andrew Hall of HC Development CO 2 Ltd against the decision of Cheshire East Council.
 - The application Ref 16/4087M, dated 19 August 2016, was refused by notice dated 6 October 2016.
 - The development proposed is 4no. apartments to replace former single dwelling detached dwelling. Formation of new linked detached garages and new vehicular and pedestrian access to Lydiat Lane, and associated landscaping.
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Appeal B Ref: APP/R0660/W/17/3168773

Coppers, 10 Congleton Road, Alderley Edge SK9 7AA

- 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 Andrew Hall of HC Development CO 2 Ltd against the decision of Cheshire East Council.
 - The application Ref 16/3569M, dated 20 July 2016, was refused by notice dated 6 October 2016.
 - The development proposed is 3no. apartments to replace former single dwelling detached dwelling. Formation of new linked detached garages and new vehicular and pedestrian access to Lydiat Lane, and associated landscaping.
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Decision

1. Appeal A is allowed and planning permission is granted for 4no. apartments to replace former single dwelling detached dwelling, formation of new linked detached garages and new vehicular and pedestrian access to Lydiat Lane, and associated landscaping at Coppers, 10 Congleton Road, Alderley Edge SK9 7AA in accordance with the terms of the application, Ref 16/4087M, dated 19 August 2016, subject to the conditions contained within the schedule attached.
2. Appeal B is allowed and planning permission is granted for 3no. apartments to replace former single dwelling detached dwelling, formation of new linked detached garages and new vehicular and pedestrian access to Lydiat Lane, and associated landscaping at Coppers, 10 Congleton Road, Alderley Edge SK9 7AA in accordance with the terms of the application, Ref 16/3569M, dated 20 July 2016, subject to the conditions contained within the schedule attached.

Procedural Matters

3. As set out above there are two appeals on this site. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Application for costs

4. An application for costs was made by Mr Andrew Hall of HC Development CO 2 Ltd against Cheshire East Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the development preserves or enhances the character or appearance of the Alderley Edge Conservation Area.

Reasons

Background

6. The appeal site is the subject of an extensive planning history. Planning permission¹ was granted for the demolition of a single, detached dwelling and integral garage and its replacement with 2no apartments with link detached garages with new access and landscaping. Following the Council's refusal of the two applications that form the basis of these appeals, a subsequent planning application² was granted permission which effectively amended permission 14/3909M, which included a slightly smaller and repositioned garage to the rear, a slight variation to the approved landscaping and an additional subterranean section. At the time of my site visit, works were under way in respect of this permission.

The Character and Appearance of the Alderley Edge Conservation Area

7. The appeal site is located within the Alderley Edge Conservation Area (the CA). Section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
8. The Conservation Area Character Appraisal 2004 (the CACA) states that the area "*is notable for its cohesive sylvan qualities. Prestigious, detached villas, mostly dating to between 1845 and 1900, sit in generous plots with mature tree planting largely hiding them from public viewpoint. Stone setted roads, stone boundary walls, the mature shrubs and large trees, and the undulating topography provide an interesting and unique townscape*". It goes on to note that "*The buildings are almost secondary in importance to their setting and provide a variety of architectural styles utilising many different materials*". The CACA acknowledges that modern developments have impinged in places, ignoring historical plot ratios and obliterating the generous garden spaces.
9. The most recently approved application is currently under construction. Therefore, it is a realistic fallback position to which I attribute significant weight. The two proposed developments are both similar in design to that already approved. The main differences being a small additional element on

¹ LPA Ref 14/3909M

² LPA Ref 16/5368M

the south elevation, which would be built over an approved roof terrace; chimney reconfiguration; alterations to the rear dormer to provide a roof terrace; an additional rooflight and lightwell; a wider basement level; window reconfiguration; and, the setting back of part of the ground floor front elevation.

10. The appeal site is located on the side of a steep embankment with the ground levels falling sharply from Congleton Road to the east down to Lydiat Lane to the west. The neighbouring properties that front onto Congleton Road are substantial in size and are set within extensive grounds. The proposed developments would be prominent in the streetscene and would be wider than that already approved, in particular due to the addition to the south elevation. However, the overall size and design of the proposed developments would be in keeping with other properties in the vicinity and would not appear significantly different to that already approved. In comparison with the size of the approved property, they only represent relatively minor additions that would not result in the property appearing any more prominent in the streetscene than that already approved.
11. Furthermore, whilst there would be a change in the size of the footprint from that already approved, it would only be a very small increase, which would accommodate only a small portion of the overall site. This would result in a reduction of outdoor amenity space from the 617 sqm already approved to 601 sqm. Accordingly, I do not find that it would result in an overdevelopment of the site.
12. The Council also state that the proposal would represent an over intensification of the site, but provide little evidence to justify this point. Nevertheless, the addition of one/two apartment/s would likely result in an increase in the number of occupants residing at the property. As a result there would be increased comings and goings including additional vehicular movements, which would be off both Congleton Road and Lydiat Lane. Whilst the addition of two residential units would result in an intensification of the residential use of the site, I do not consider that these effects would be so great as to have a significant impact on the character of the area.
13. I note the concerns raised regarding the further sub-division of the plot. Whilst there would be additional residential units on the site, the plot would not be divided into smaller portions. Each of the developments would result in a single, substantial building set within large grounds and therefore would be similar to other properties that contribute to the sylvan character of the CA.
14. I find therefore that the proposed development would have a neutral effect, and therefore preserve the character and appearance of the CA. As such, it would accord with Saved Policies BE1, BE2, BE3 and BE12 of the Macclesfield Borough Local Plan, which, amongst other matters, seek to ensure that development reflects local character and preserves and enhances the character or appearance of Conservation Areas, in particular The Edge (the Alderley Edge Conservation Area).

Other Matters

15. I have had regard to the effect of the developments on the living conditions of the occupants of the neighbouring property, No 12 Congleton Road, with regard to privacy. There would be only one window on the south elevation,

which would be one fewer that already approved. The window would be on the upper ground level, which would be approximately ground floor level with No 12. As a result of its limited height and the existing wall along the driveway of No 12, I am satisfied that it would not result in any significantly harmful overlooking. Furthermore, whilst the additional element on the south elevation would result in the property being closer to the boundary with No 12, given the separation distance between the properties and the limited height of the addition, I do not consider that it would have any harmful effect on the outlook from No 12.

16. During my site visit I noted that large sections of the boundary hedge between the appeal site and No 12 Congleton Road has been removed. However, the proposed landscaping schemes indicate planting and a 1.8m high close boarded fence on this boundary, which I am satisfied would be an adequate boundary treatment, ensuring suitable privacy for the occupants of both buildings.
17. The proposed developments would include a total of eight off-street car parking spaces. I am satisfied that this would adequately serve the additional apartments and there is no substantive evidence to suggest otherwise. Furthermore, the access arrangements have not altered from that which has already been approved. Accordingly, I am satisfied that the proposed developments would not severely harm highway safety. I note that the local highway authority have raised no objection to the proposals.
18. I acknowledge the allegations made regarding breaches of conditions and the intentions of the applicant. Furthermore, I note the comments made regarding landownership. However, such matters have not had any bearing on my assessment of the planning merits of the proposals.

Conditions

19. I have had regard to the various conditions that have been suggested by the Council. I have amended some of the conditions for the sake of clarity and conciseness.
20. I note the appellant's suggestion that the standard condition regarding the time limit for commencement is not necessary as works to the already approved development have commenced. Nevertheless, whilst there are evidential similarities between the approved and proposed developments, works on the proposed developments have not commenced. Therefore, it is only right that such a condition is imposed in the interests of proper planning.
21. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
22. In the interests of the character and appearance of the area conditions are necessary with regard to materials, rainwater goods, fenestration, garage doors, landscaping, arboricultural works and boundary treatment.
23. I have not been presented with any evidence of the Construction Method Statement that the appellant states was approved as part of the current works on site. Therefore, I cannot be certain that the method statement is satisfactory. Accordingly, in the interests of highway safety and protecting the neighbouring residential amenity, a condition is necessary regarding the submission of such a statement.

24. A landscaping scheme accompanied the application submissions for both of the proposed schemes. The Council have raised no issue with the proposed scheme, and I find no reasons to conclude otherwise. Therefore, I am satisfied that the scheme is acceptable and as such conditions requiring the submission of a landscaping scheme are not necessary.
25. In the interests of safeguarding residential amenity conditions are necessary limiting the hours of construction, pile driving and obscure glazing.
26. In the interests of highway safety, conditions are necessary regarding parking provision and the retention of the use of the garages.
27. The proposed apartments would not benefit from the permitted development rights which the Council seek to remove. Therefore such a condition is not necessary.

Conclusion

28. For the reasons given above, having regard to all matters raised, the appeals are allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS – APPEAL A

- 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: 11608- OS Plan, 11608-3007A, 11608-3008A, 11608-3009B, 11608-4010A, 11608-4011A, 11608-4012A, 11608-4013A, 11608-4014A, 11608-4015A, 11608-4016A, 11608-4017A, 11608-4018A, 11608-4019A, 11608-4021C, 11608-4022B, 11608-4023B, 11608-4026B, 11608-4032A, 11608-4033A, 11608-4034A, and PR-16-HCD030-01-GA-01 REV A.
- 3) No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The material and colour of all rainwater goods shall be cast metal painted black.
- 5) All windows and doors in the external elevations of the proposed development shall be fabricated in timber and shall be retained in such a form thereafter.
- 6) All garage doors shall be constructed in timber, vertically boarded and shall be retained in such a form thereafter.
- 7) The roof lights in the development hereby approved shall be set flush with the angle of the surrounding roof slope. If this cannot be

achieved, the degree of projection from the plane of the roof pitch shall be first agreed in writing by the Local Planning Authority.

- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials; and,
 - iii) details of deliveries to the site.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 9) The approved landscaping plan shall be completed in accordance with the following:-
 - a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Table A1 of British Standard BS5837: 2012 Trees in Relation to Design, Demolition, Construction: Recommendations.
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- 10) All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement ref CW/6103-AS4 received by the Local Authority on the 20th July 2016.
- 11) The hours of construction (and associated deliveries to the site) of the development shall be restricted to 0800 to 1800 hours on Monday to Friday, 0800 to 1400 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- 12) Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the local planning authority prior to such works taking place and shall be implemented in accordance with the approved details.
- 13) The hereby approved development shall not be occupied until the north facing windows to serve the kitchen at ground floor and en suites at first floor have been glazed in obscure glass rated to a minimum of number 4 on the Pilkington Texture Glass scale, 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. Once installed the obscured glazing shall be retained thereafter.

- 14) Prior to the use of any facing or roofing materials, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the development hereby approved is first occupied. The boundary treatment shall be carried out in accordance with the approved details and permanently retained.
- 15) The garage indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation.
- 16) Provision shall be made for the parking of 8no. vehicles within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The parking spaces shall be available for use before the approved development is occupied. The spaces, including the designated number of disabled spaces (if applicable), shall be retained at all times thereafter.

SCHEDULE OF CONDITIONS – APPEAL B

- 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: 11608- OS Plan, 11608-3007A, 11608-3008A, 11608-3009B, 11608-4010B, 11608-4011C, 11608-4012B, 11608-4013B, 11608-4014B, 11608-4015B, 11608-4016A, 11608-4017A, 11608-4018A, 11608-4019A, 11608-4021D, 11608-4022B, 11608-4023B, 11608-4026C, 11608-4032B, 11608-4033B, 11608-4034B, and PR-16-HCD030-01-GA-01 REV A.
- 3) No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The material and colour of all rainwater goods shall be cast metal painted black.
- 5) All windows and doors in the external elevations of the proposed development shall be fabricated in timber and shall be retained in such a form thereafter.
- 6) All garage doors shall be constructed in timber, vertically boarded and shall be retained in such a form thereafter.
- 7) The roof lights in the development hereby approved shall be set flush with the angle of the surrounding roof slope. If this cannot be achieved, the degree of projection from the plane of the roof pitch shall be first agreed in writing by the Local Planning Authority.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved

in writing by the local planning authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials; and,
- iii) details of deliveries to the site.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) The approved landscaping plan shall be completed in accordance with the following:-
 - a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
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 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
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- 11) The hours of construction (and associated deliveries to the site) of the development shall be restricted to 0800 to 1800 hours on Monday to Friday, 0800 to 1400 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- 12) Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the local planning authority prior to such works taking place and shall be implemented in accordance with the approved details.
- 13) The hereby approved development shall not be occupied until the north facing windows to serve the kitchen at ground floor and en suites at first floor have been glazed in obscure glass rated to a minimum of number 4 on the Pilkington Texture Glass scale, 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. Once installed the obscured glazing shall be retained thereafter.

- 14) Prior to the use of any facing or roofing materials, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the development hereby approved is first occupied. The boundary treatment shall be carried out in accordance with the approved details and permanently retained.
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