The Planning Inspectorate

Appeal Decision

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: 23rd May 2017

Appeal Ref: APP/R0660/W/17/3169396
Half Acre, Beechfield Road, Alderley Edge, Cheshire SK9 7AU

- 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 Jones Homes (North West) Limited against the decision of Cheshire East Council.
- The application Ref 16/4646M, dated 16 September 2016, was refused by notice dated 22 November 2016.
- The development proposed is the erection of one detached dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the erection of one detached dwelling at Half Acre, Beechfield Road, Alderley Edge, Cheshire SK9 7AU in accordance with the terms of the application, Ref 16/4646M, dated 16 September 2016, subject to the conditions contained within the schedule attached.

Preliminary Matter

2. The Council confirm that they are currently unable to demonstrate a five-year supply of deliverable housing sites. Accordingly, paragraph 49 of the National Planning Policy Framework (the Framework) is engaged and policies relating to the supply of housing should be considered to be out-of-date. Saved Policy H12 of the Macclesfield Borough Local Plan (the LP) has regard to housing density rather than supply and therefore is not relevant to the supply of housing. Consequently, I attribute it full weight.

3. The Council contend that the emerging Cheshire East Local Plan Strategy (the LPS) provides an appropriate housing strategy that would address the housing supply shortfall, which has been endorsed by the examining Inspector in his interim views, published on 13 December 2016. Notwithstanding this, the LPS has yet to be found 'sound'. Furthermore, the appellant confirms that representations have been made on the proposed main modifications, which have yet to be considered by the examining Inspector. In light of the above, having regard to paragraph 216 of the Framework, I attribute limited weight to the relevant policies contained within the LPS.

Main Issue

4. The main issue in this appeal is whether the development preserves or enhances the character or appearance of the Alderley Edge Conservation Area.

Reasons

5. 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.

6. The Alderley Edge Conservation Area Appraisal 2004 (the CAA) 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…..The buildings are almost secondary in importance to their setting and provide a variety of architectural styles utilising many different materials. These are glimpsed through gateways and across openings in trees but their contribution is far less important than in the majority of conservation areas*".

7. The CAA goes on to acknowledge that modern developments have impinged in places, ignoring historical plot ratios and the generous garden spaces have been obliterated. Nevertheless, many of the development within the CA that has taken place over the last 90 years is hidden behind high walls and overall, their effect has been largely neutral. However, the greatest threat to the CA is identified as being new development, in particular through the loss of existing large gardens.

8. The appeal site currently forms part of the garden area of Halfacre, which is immediately to the west. It would have once formed the kitchen garden to Halfacre; however, it is now overgrown, although there is still a small polytunnel and remnants of what appear to have been vegetable beds. Running along the eastern boundary is a public footpath, the boundary with which is a high close boarded timber fence. Substantial hedging and trees form the north, east and south boundaries of the site resulting in it being well screened from public views.

9. Historically, Halfacre formed part of a larger property known as Elmbank. Elmbank was sub-divided in 1919 to create two properties – Halfacre and the adjacent property to the west, Acresfield. In the late C20th Acresfield was sub-divided with part of the western part of the plot being developed.

10. To the north and south, properties are substantial in size and set within extensive grounds. Generally, they are set back and hedging and trees screen them from views off the adjacent roads. To the east of the site is a small landscaped area that backs onto properties fronting Whitebarn Road. Further to the west along Beechfield Road there are a number of modest, modern developments which have open frontages resulting in them appearing prominent in the streetscene. The CAA identifies the terrace development known as Broad Court as being not in character with the surrounding area.

11. The appeal proposal follows a previously dismissed appeal[1] which related to a scheme for two dwellings on the appeal site. In addressing the Inspector's concerns the current appeal scheme comprises a single, substantial two and a half/three-storey dwelling sited almost central to the plot. A new access would be created onto Beechfield Road through the existing northern hedgerow boundary. The Council acknowledge that there is a variety of architectural

[1] Appeal Ref APP/R0660/W/16/3143118

styles within the locality and as such, raise no objection to the proposed design of the dwelling.

12. The dwelling would be of a similar size and set within a plot similar to other properties in the locality. Whilst it would not mirror the large rectangular plots of some of the more substantial properties, particularly those to the south, it would have a similar width, albeit with a slightly shallower depth. The Council state that the dwelling would have a large footprint with a width of approximately 26m with the total plot width being approximately 33m to the front. However, the site tapers from the rear to the front. As a result of the setback position of the dwelling, and the widening of the tapering of the site, the dwelling would sit comfortably with the site and not appear as overdevelopment. Furthermore, a large section of the footprint would comprise a single-storey element and an even lower attached garage, which would break up its mass. From the observations I made during my site visit, there are numerous examples of properties accommodating a similar proportion of the site width.

13. I note that the previous Inspector raised concern that the two dwellings would occupy much of the plot width and combined with the existing dwelling the overall built form would dominate the appearance of this side of the road. However, it seems to me that the combined width, in particular the two-storey elements of the two dwellings would have been considerably greater than the current proposed dwelling.

14. The separation distance of the dwelling from Halfacre would provide sufficient spacing between the properties to ensure that they would not cumulatively dominate the appearance of the south side of Beechfield Road and that the overall sylvan character is retained. Although the dwelling would be visible from the road, there would be a significant amount of natural screening through the existing hedgerow and trees to reduce its overall visual impact and prominence in the streetscene. This could be further enhanced by suitable additional landscaping.

15. I note the previous Inspector's comments regarding further sub-division; however, this was with regard to two smaller properties on significantly smaller plots to that proposed and the surrounding properties. The appeal proposal before me sufficiently addresses this concern by reducing the overall built form and the density of development. Whilst the proposal would result in the reduction in the plot size of the existing property, which itself once formed part of a larger property, the overall size of the plots and the density of development would be in keeping with the surrounding pattern of development. Due to the difference in ground levels and that Halfacre turns its back on the appeal site to address its courtyard, there is a distinct visual separation between the two. Therefore, I do not find that the sub-division of the existing large plot would erode the sylvan character of the CA. The CAA acknowledges that large plots might suggest that further building could be absorbed into the CA without causing demonstrable harm. I consider that this is such a case.

16. The Council I have been referred me to two other appeals[2] with regard to the difference between the splitting of gardens and development of open land. However, in this instance, whilst I acknowledge that the proposal would result

[2] Appeal Refs APP/R0660/A/13/2190342 and APP/R0660/A/13/2199658

in the sub-division of a garden, I am satisfied that it would not diminish the significance of the CA.

17. I find therefore that the proposed development would have a neutral effect on, and therefore preserve the character and appearance of the CA. As such, it would accord with Saved Policies BE2, BE3 and BE12 of the LP, which, amongst other matters, seek to ensure that development preserves and enhances the character or appearance of Conservation Areas, in particular The Edge (the Alderley Edge Conservation Area). Furthermore, it would comply with Saved Policy H12 of the LP, which, amongst other matters, seeks to ensure that development in low density housing areas is sympathetic to the character of the established area and plot width and space should be commensurate with the surrounding area. In addition, the proposal would also accord with the CAA and the objectives of the Framework.

Other Matters

18. Whilst the dwelling would only make a limited contribution to the current shortfall in housing supply, it nevertheless weighs in favour of the proposal, although my decision does not turn on this matter.

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. 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.

20. In the interests of the character and appearance of the area conditions are necessary with regard to materials, landscaping, rainwater goods, fenestration, arboricultural works and boundary treatment.

21. It is essential that the requirements of condition 12 are agreed prior to the development commencing to ensure an acceptable form of development in respect of safeguard trees and preserving the character and appearance of the area.

22. However, exceptional circumstances have not been demonstrated to justify the removal of permitted development rights as suggested by the council.

Conclusion

23. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

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: HA-P-001, HA-P-002, HA-P-003, HA-

P-004, HA-P-005, HA-P-006, HA-P-007, HA-P-008, HA-P-009, HA-P-010, HA-P-011, HA-P-001.012, 2410/P04a and 2410/P05.

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) Prior to the commencement of the development (excluding any demolition works), a scheme for the landscaping of the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

5) Prior to the commencement of the development (excluding any demolition works) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Where appropriate, these details shall include proposed finished ground levels or contours; hard surfacing materials; minor artefacts and structures (eg street furniture, play equipment, refuse or other storage units, signs, lighting, etc.); retained historic landscape features and proposals for restoration, where relevant.

6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7) The material and colour of all rainwater goods shall be cast metal painted black and shall be retained in such a form thereafter.

8) 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.

9) Prior to the installation of any fenestration as part of the development hereby approved, drawings indicating details of all windows and external doors, including cross sections of glazing bars, to a scale of not less than 1:20 shall be submitted to and approved in writing by the local planning authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details thereafter.

10) All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement ref CW/7623-AS2 received by the Local Authority on the 20th September 2016.

11) Details of boundary treatment shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the hereby approved dwelling.

12) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with British Standard BS5837: 2012 Trees in Relation to Design, Demolition Construction: Recommendations which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

13) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved tree protection scheme are in place.

14) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme.

15) Tree protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the local planning authority.