

Appeal Decision

Site visit made on 16 May 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/R0660/W/16/3162512
37 Bramble Close, Middlewich CW10 9FZ

- 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 Jonathan Wint against the decision of Cheshire East Council.
 - The application Ref 16/3735C, dated 29 July 2016, was refused by notice dated 26 September 2016.
 - The development proposed is change of use of vacant land to form extended garden.
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Decision

1. The appeal is dismissed.

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 is adjacent to the pedestrian entrance to a modern housing estate. It forms part of a deep and splayed area of grass verge, which itself is part of a wider green buffer between the enclosed boundaries of residential properties and the adjacent highway, Holmes Chapel Road. The appeal site is therefore prominent in relation to this busy main route into the town and from adjacent footways into the housing estate.
 4. The site and its open surroundings form an attractive sense of spaciousness, softening the hard edge of built development in this prominent location. The site includes a mature tree, which further enhances the appearance of the land and reflects and complements the open, spacious and planted verge on the opposite side of the main road. At the time of my visit the site appeared generally clean and well maintained.
 5. Although the proposal would constitute the enclosure of a relatively small part of the overall verge, it would result in a more prominent fence line and a less spacious gateway entrance into the estate. It would also enclose and interrupt views of the full form of the aforementioned tree. These factors, in combination, are therefore significant and would result in harm to the open and attractive character of this location.
 6. I acknowledge that there are other properties nearby, at 24 Bramble Close and 14 Hereford Way, where garden areas have been extended into the adjacent
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open space and also that the proposed development would align with fence lines there. These properties, however, are set further into the estate and are less prominent in relation to the pedestrian entrance and main road. Though I have no information to establish the extent of use of the entrance, I concur with the Council that the appeal site is in a more visually sensitive location compared with the aforementioned properties. Those developments are not therefore comparable to the current appeal and do not justify the harm I have identified. In any event, each appeal must be decided on its individual merits.

7. I conclude that the proposal would result in harm to the character and appearance of the area. Accordingly it would conflict with Saved Policies PS4, GR1 and GR2 of the Congleton Borough Local Plan 2005 and the National Planning Policy Framework insofar as they seek to promote high quality design which conserves and enhances the character and appearance of the surrounding area.

Conclusion

8. For the above reasons and having regard to all other matters raised, the appeal should be dismissed.

Roy Merrett

INSPECTOR