
Appeal Decision

Site visit made on 5 June 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 27th June 2017

Appeal Ref: APP/R0660/W/16/3165140

1 Butley Lanes, Prestbury, Cheshire East, SK10 4HU

- 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 BCL Homes Ltd against the decision of Cheshire East Council.
 - The application Ref 16/0834M, dated 16 February 2016, was refused by notice dated 6 October 2016.
 - The development proposed is demolition of existing dwelling and erection of 2 new houses – resubmission of 15/2163M.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of 2 new houses at 1 Butley Lanes, Prestbury, Cheshire East, SK10 4HU in accordance with the terms of the application, Ref 16/0834M, dated 16 February 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. The omitted text simply states that the proposal is a resubmission of a previous scheme, and as such it does not describe acts of development.

Main Issues

3. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of adjacent occupiers with regard to loss of outlook and natural light.

Reasons

Character and appearance

4. The appeal site comprises a detached dwelling in a generous plot that is positioned on a bend in Butley Lanes. It is located in an area that is characterised by large properties in spacious, leafy, plots. The site is elevated relative to Butley Lanes and has a thick screen of vegetation across its frontage.
5. Whilst plot sizes in the surrounding area are generally large there is a significant degree of variation between plots. In this regard, the appeal site currently has a wide frontage owing to its position on the bend. A number of

nearby properties have narrower plots that are comparable to the proposed dwellings, and the development would not be out of character in this regard. The proposed frontage widths would also be comparable to others in the surrounding area. Whilst the plot shapes would be triangular, that reflects the position of the site on a bend. In this regard, I note that the existing plot is also triangular in shape. The garden areas would be slightly smaller than the adjoining properties, and the plot coverage slightly greater, but this would not be readily perceptible from the street. The gardens would also be of sufficient size to afford a good standard of amenity to future occupiers.

6. Whilst the site is in an elevated position relative to Butley Lanes, the appeal properties would be heavily screened from view by a thick belt of vegetation across the frontage. This would restrict their visibility in the surrounding area, and they would not be unduly prominent in the street. The relatively narrow gap between the properties would also be obscured by this vegetation. Accordingly, the development would not result in an undue loss of spaciousness or represent an overdevelopment of the site in my view.
7. I conclude that the development would not significantly harm the character and appearance of the area. It would therefore accord with Policies BE1, H2, H13, DC1 and DC41 of the Macclesfield Borough Local Plan (2004), and guidance contained in the Prestbury Supplementary Planning Document (2011) and Prestbury Village Design Statement (2007). It would also be consistent with the National Planning Policy Framework ('the Framework'), which requires good design. Moreover, it would accord with emerging Policies SD1, SD2, and SE1 of the Cheshire East Local Plan Strategy – Submission Version, which is now at an advanced stage. These emerging policies are not subject to any unresolved objections.

Living conditions

8. The proposed dwellings would be located near to the boundaries with Hill Corner and No 3 Butley Lanes. They would be positioned close to existing windows and the garden areas of both of these properties.
9. Hill Corner is located immediately to the south of the appeal site, and a number of its side windows would face the proposed dwelling at Plot 2. In particular, a bedroom window at first floor level would face the proposed dwelling at a distance of around 9.5 metres (according to the Council's Statement). However, this window serves the smallest bedroom in Hill Corner (according to the plans provided by the Council). It also currently faces the side elevation of the existing dwelling and an outbuilding, and its outlook is therefore already restricted. Whilst the proposed dwelling would be slightly closer, the change in outlook from this window and any loss of natural light would not be significantly harmful in my view. Other windows in the side elevation to Hill Corner are secondary openings or otherwise serve non-habitable rooms.
10. Part of the proposed dwelling at Plot 2 would also project beyond the eastern building line of Hill Corner. However, this would largely consist of a single storey garage that would be lower in height than the rest of the dwelling. This projection beyond the rear building line would also be limited in size and would not have a significant overbearing effect on the rear garden area in my view. As Hill Corner is located to the south, there would be no significant overshadowing effect. In addition, none of the proposed windows would

directly overlook the rear garden to Hill Corner, and there would be no significant loss of privacy in this regard.

11. No 3 Butley Lanes is positioned to the west of the appeal site close to the proposed dwelling at Plot 1. An existing first floor bedroom window would face onto the proposed dwelling at a distance of around 15 metres (according to the Council's Statement). In my view, this distance is sufficient to maintain an acceptable outlook and level of natural light to this room. Moreover, existing boundary vegetation would limit the impact of the development in this regard. This vegetation would also restrict any impact on the adjacent amenity space, which in any case would be limited to a relatively small area to the side of the property. Given the orientation of the proposed rear windows, which would face out over the garden areas to the new properties, I also do not consider there would be any unacceptable erosion of privacy to the rear of No 3.
12. For the above reasons, I conclude that the development would not significantly harm the living conditions of adjacent occupiers with regard to loss of outlook and natural light. It would therefore accord with Policies H2, H13, DC3 and DC41 of the Macclesfield Borough Local Plan (2004). These policies seek to ensure, amongst other things, that new development does not lead to a significant overbearing effect or excessive overshadowing. It would also be consistent with the Framework, which seeks to ensure a good standard of amenity for all existing and future occupants. Moreover, the development would accord Policy SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Other Matters

13. Each dwelling would be served by a single garage and 2 external parking spaces. This would be sufficient to serve the development and I do not consider that it would lead to a significant increase in on-street parking. I further note that the site is in an accessible location close to a train station.
14. The development would not significantly intensify the use of the existing access onto Butley Lanes. This access has good visibility in both directions, and is not dangerously close to the bend in my view. I further note that the Highway Authority have not objected to the development.
15. The existing trees on and adjacent to the site, including those subject to Tree Preservation Orders, are capable of being protected by conditions.
16. There is no persuasive evidence before me that the development would place undue strain on the foul sewerage network. In this regard, I note that United Utilities have not objected to the development.
17. There is no evidence before me that the development would lead to increased flood risk or drainage problems, and the Council have not raised any concerns in this regard. I see no reason to take a different view in this case.
18. Any effects from the construction process would be temporary in nature, and any damage caused would be a civil matter.
19. Given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments on other sites in the area.

20. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

21. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development. A condition that requires samples of all external facing materials to be submitted and approved is also necessary to protect the character and appearance of the area.
22. Three conditions are necessary in order to protect the existing trees on the site during and after the construction process. A condition requiring the submission of a noise assessment is also necessary in order to secure appropriate mitigation against noise from the railway line. A further condition requiring the development to accord with the recommendations in the submitted Bat Survey is necessary to safeguard protected species.
23. A condition requiring details of the finished levels to be submitted and approved is necessary to ensure that any change in ground level is acceptable. A final condition requiring the car parking to be provided prior to the first occupation of the development is necessary in order to ensure that these facilities are available to future occupiers.
24. The Council suggested 2 further conditions that would require a landscaping scheme to be submitted and approved. However, this is not proportionate or necessary in this case, particularly given the existing vegetation across the site frontage which would be retained. The Council suggested a further condition that would remove a number of permitted development rights from the new properties. However, there is no evidence before me that exceptional circumstances exist that would justify the removal of permitted development rights in this case.

Conclusion

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

Thomas Hatfield

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: T15-04 01 Rev E; T15-04 02 Rev C; T15-04 03 Rev C; T15-04 04 Rev D; T15-04 05 Rev D; Site Location Plan.
- 3) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the development 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) All arboricultural works excluding the submitted tree protection scheme shall be carried out in accordance with Murray Tree Consultancy Tree Report ref PM/03/03/16 dated 3rd March 2016.
- 5) Prior to the commencement of development or other operations being 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) a detailed Construction Specification / Method Statement for the new parking turning area located off the existing driveway within the retained trees Root Protection Areas, and the set of steps off Butley Lanes, shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the 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.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 7) No development shall take place above slab level until a scheme for the protection of the proposed dwellings from noise from the railway line shall have been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the dwellings are occupied and retained thereafter.
- 8) The proposed development shall proceed in accordance with the recommendation made by the submitted Bat Survey dated 18th February 2016 prepared by Kingdom Ecology unless varied by a European Protected Species license subsequently issued by Natural England.

- 9) No development shall take place above slab level until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 10) The proposed car parking as detailed on the approved plans shall be provided prior to first occupation of the development hereby approved and shall thereafter be retained.