



Appeal Decision

Site visit made on 27 June 2017

by A Jordan BA Hons MRTPI

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

Decision date: 3 July 2017

Appeal Ref: APP/R0660/W/17/3172650

Land at the rear of 14-18 London Road, Alderley Edge, SK9 7EG

- 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 Anwar Kanj of Atco Export against the decision of Cheshire East Council.
 - The application Ref 16/3610M, dated 22 July 2016, was refused by notice dated 6 October 2016.
 - The development proposed is demolition of existing building to rear of No's 14-18 London Road, Alderley Edge and erection of a two and a half storeys residential block comprising three apartments.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised site plan was submitted during the course of the application. From the information before me it is not clear whether this amended plan has been subject to public consultation. The amendments correct errors on the original "red-line" plan, which omitted land intended to accommodate sections of the proposed building. This included an additional piece of land to the south to the rear of West Street, and removed a portion of the site to the east to the rear of No 14 London Road. The amendment did not alter the scale or form of the proposed building, or the proposed layout of the scheme.
3. I take into account that the Council appear to have been satisfied that the certificate of ownership was still correct and that in accepting amendments to the appeal scheme the proposal met the principles outlined in Wheatcroft. I am also aware that without the proposed alterations to the site plan a significant proportion of the proposed development would lie outside the original site area. However, as I have found the proposal to be unacceptable for the reasons set out below. I do not consider that any party has been disadvantaged by my dealing with the appeal on the basis of the amended site plan.

Main Issue

4. The main issue for the appeal is the effect of the proposal on the living conditions of future occupiers of the proposed development.

Reasons

5. The development plan for the area is the *Macclesfield Borough Local Plan 2004*, (Local Plan). The Framework directs that weight should be given to policies in Local Plans in accordance with their consistency with the Framework. The parties agree that a 5 year supply of housing land cannot currently be demonstrated in the Borough. The Framework directs that in these circumstances relevant policies for the supply of housing are to be considered "out of date" and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
6. The appeal site comprises the site of a 2 storey red brick building which lies to the rear of properties along London Road and West Street, in the village centre. Due to its backland position, the site is adjoined by the service yards for commercial and office uses which front both streets. The proposal comprises the demolition of the existing 2 storey red-brick building, and its replacement with a taller building, described as 2 and a half storeys, which would sit on a larger footprint. The building has been designed to broadly reflect the materials and fenestration on surrounding buildings and includes a storey of accommodation which would partly sit within the roof level.
7. The Council's concerns relate to the quality of accommodation the proposal would provide for future residents, particularly for residents of the ground floor flat. I noted on site that the proposed position of windows on the front elevation would result in residents looking directly onto a 2m high boundary wall within around a metre of the living room window. Some views of sky would be available above the wall, and so some light would be likely to be available to the room. Nevertheless, the position of the wall would be likely to dominate views from the room, and so provide a poor outlook for occupiers within. Furthermore, I noted during the site visit that although the adjoining bedroom window is set further back, the space in front of the window would provide the only available space for bin storage for the 3 flats and is shown as a bin storage area on the submitted plans. This would be an unpleasantly intrusive presence for occupiers of the ground floor flat.
8. The narrow intervening space to the front of the building is shown on the amended location plan as providing a right of access to the rear of commercial units along London Road, and so would be vulnerable to loss of privacy and disturbance from users of the commercial property. To the rear of the dwelling the kitchen windows would overlook a communal yard for properties which front West Street. Although there are no directly facing windows on adjoining buildings at ground floor level, as there sit directly on the site boundary, occupiers of the ground floor flat could be subject to loss of privacy or disturbance from anyone from the adjoining businesses passing through the yard. In this regard the potential for intrusion to both the front and rear of the dwelling, and the perception of it, would substantially diminish the quality of the living conditions enjoyed within.
9. I have considered whether the lack of outdoor amenity space is in this case a matter which would detract from the quality of the accommodation provided. The flats would be located close to local services and amenities and their size would be unlikely to appeal to families. As such, the absence of a garden

would, in this case, not be determinative. Nevertheless, the very cramped nature of the development, within the context of this site would result in poor quality residential accommodation, which would fail to provide acceptable living conditions for future occupiers. It would therefore conflict with policies H6 and DC41 of the Local Plan, which together seek to ensure that the space around new dwellings provides acceptable living conditions for future occupiers. The Council have also referred to policy DC3, but as this refers to existing residential occupiers, it does not appear to be directly applicable in this case.

10. Adjoining occupiers have raised concerns regarding access across the site to the rear of properties on London Road. Although I note that the amended site plan indicates an access, this is nonetheless a civil matter which does not alter my consideration of the planning merits of the proposal. I also take account of concerns relating to the absence of any provision of parking. However, taking into account the accessible location of the proposal I am satisfied that the lack of designated parking would not be harmful in this case and this is a neutral factor in the planning balance.
11. It has also been put to me that the proposal would improve the character and appearance of the area. I noted on site that the building proposed for demolition is in a state of disrepair. However, it was not in an unsightly condition, and when seen alongside the various outriggers and rear yards did not appear particularly prominent or intrusive. In this regard, although the proposal would replace the existing building with a larger structure of more modern appearance, to which the Council has no objection, it would make no more than a marginal improvement in the appearance of the site. I therefore attribute only limited weight to this matter as a benefit in the planning balance.
12. I am advised that an extant permission exists for a similar building on the site, which relates to office use. The proposal before me is for a larger building, and relates to a different use and so the 2 schemes are not comparable. Similarly, I am not aware of the circumstances which led to the approval of the other schemes put to me by the appellant, and so cannot be assured these are similar. However, even if they were, this would not provide sufficient grounds to justify an unacceptable scheme in this case and I give the matter no weight.
13. In the absence of a five year housing land supply the provision of three additional dwellings would normally carry substantial weight. However, taking into account the unacceptable living conditions provided in the ground floor unit, I do not consider that the scheme proposed would make an acceptable contribution to the provision of housing in the district. This diminishes any weight I might attribute to housing supply in this case.

Conclusion

14. The development would fail to provide acceptable living conditions for future residents of the development and would conflict with policies H6 and DC41 of the Local Plan. I attribute substantial weight to this harm. The unacceptable nature of the accommodation also greatly diminishes the weight I attribute to any benefits that the development would bring to housing supply in the district. The proposal would also bring only limited benefits to the character and appearance of the area. The harm that would arise to living conditions would therefore significantly and demonstrably outweigh the benefits of the scheme. It follows that the proposal would not comprise sustainable development.

15. Accordingly, for the reasons outlined above, and having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR