



Appeal Decision

Site visit made on 2 September 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/R0660/D/19/3231232 Tarken, Hall Lane, Mobberley WA16 7AE

- 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 Martin Chown against the decision of Cheshire East Council.
 - The application Ref 18/6048M, dated 29 November 2018, was refused by notice dated 3 April 2019.
 - The development proposed is single storey outbuilding.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted additional photographs and a landscape plan (drawing PR/19 03 05/GA/01) which is not referred to amongst the drawings listed on the Council's decision notice. The Council have however confirmed that this is the landscape plan referred to in their officer report. The photographs provide further visual context which I also saw for myself during my site visit. I am therefore satisfied that no party would be prejudiced by me taking this information into account. My decision is therefore based on the revised drawings that were considered by the Council and this further information.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Mobberley Conservation Area.

Reasons

4. Tarken is an attractive two-storey detached dwelling, set back from the front boundary with Hall Lane with a low fence and an evergreen hedge of significant height to the front boundary. The property is situated within the Mobberley Conservation Area (CA). The significance of the CA derives from its dispersed rural character with Hall Lane characterised by a verdant soft landscaped setting with built form generally being discreetly positioned away from the road. The appeal site is consistent with this character.
5. The proposed outbuilding would have a width spanning approximately two-thirds of the front boundary. Even accounting for the complementary detailing and material palette, the height and mass of the proposal combined with the position of the building close to the front boundary with Hall Lane would be at odds with the general pattern of development in this part of the CA.

6. The proposal would rely on the existing hedge to the boundary with Hall Lane, or suitable replacement planting to reduce its prominence within the CA. The appellant's arboricultural report includes within its recommendations that the front boundary hedge, as well as two trees, should be removed and that replacement hedge planting be provided. Notwithstanding these recommendations, the appellant suggests a condition could be attached to any planning permission requiring the existing hedge to be retained at a minimum height or in the alternative a condition requiring the submitted landscape scheme to be implemented and if new planting were to be removed or die within 5 years of its planting that it be replaced.
7. I have no substantive evidence to demonstrate that the existing hedge would survive with footings for the outbuilding in such close proximity. With regards to the planting scheme submitted, even a fast growing replacement hedgerow, would take some time to mature to a height that would assist in screening the proposal and this and any heavy standard trees planted would again be close to the proposed building which could impact upon their growth and stability. I have nothing before me to convince me otherwise. The conditions suggested would not overcome these concerns nor would they give certainty that planting that would suitably mitigate the impact of the proposal, so as to preserve the character or appearance of the CA, could be secured in perpetuity.
8. The uncertainty in terms of the retention of the existing hedgerow or effectiveness of any replacement landscaping means that the ability to totally screen the outbuilding is unknown. The outbuilding would be incongruous in such a prominent position close to the boundary with the road even if these were glimpses through soft landscaping, and would fail to preserve or enhance the existing character or appearance of the CA.
9. Taking all matters into account, the proposal would result in less than substantial harm accounting for the scale of the proposal and the prominence of the site in the wider CA setting. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework) less than substantial harm should be weighed against the public benefits of the proposal. There would be a limited public benefit through the additional accommodation that would be provided for the occupiers of the appeal dwelling. Any benefit to the CA through the provision of replacement native planting would be modest given the existing planting already contributes to the mature landscaped character of the CA. I must attach great weight to the need to conserve the CA and find therefore that the limited and modest public benefits identified do not outweigh the less than substantial harm that would result from the proposal.
10. For the foregoing reasons, the proposal would not preserve or enhance the character or appearance of the CA. Consequently, in that regard, the development would be contrary to Policies SE 7 (The Historic Environment), and SD 2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy 2010 – 2030 (2017), saved policy DC1 of the Macclesfield Borough Local Plan (2004) and the requirements of the Framework.

Conclusion

11. For the above reasons the appeal is dismissed.

M Russell INSPECTOR