

Appeal Decision

Site visit made on 14 August 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 09 October 2019

Appeal Ref: APP/R0660/W/19/3229169
130 Lawton Road, Alsager ST7 2DF

- The appeal is made under section 78 of the Town Country Planning Act 1990 against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for outline planning permission following the failure of the applicant to submit further information required by the local planning authority.
 - The appeal is made by Mr Craig Dutton against Cheshire East Council.
 - The application Ref 19/1142C is dated 6 March 2019.
 - The development proposed is outline application for construction of three storey three bed detached houses.
 - The information alleged by the Council to be necessary relates to external appearance.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the outline application was originally validated, the Council subsequently served a notice requesting further details including external appearance and levels across the site and of retaining structures. The appellant did not consider that the additional information was necessary to determine the appeal and appealed on the basis of non-determination.
3. There is therefore a dispute between the parties as to whether the application is valid and whether sufficient information has been received to make a decision in respect of the application. However, as the Council has indicated on what basis it would have refused the application, I shall proceed to determine the appeal on the basis of the information before me.
4. Whilst a street scene plan showing the front elevation has been supplied, the plan is indicative only in terms of design. The proposed layout is shown on the site and location plan.
5. The Council granted outline planning permission for the erection of two dwellings on the appeal site on the 22 August 2017 and the principle of development is therefore not in issue.

Main Issue

6. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

7. The appeal site is a spacious plot on Lawton Road with a bungalow to the centre with gardens to the front, side and rear. The majority of the site is elevated and there is a retaining wall to the front of the bungalow site upon a retaining structure. No 132 is a two storey house next to the appeal site but on a lower level. No 128 to the other side of the appeal site is a bungalow. There is hedging to the front and sides of the appeal site and no pavement. There is mature hedging to the rear boundary of the site which backs onto the rear of dwellings on Edwards Way which are on a higher level than the appeal site.. Whilst there is a variety of styles of housing along Lawton Road, the appeal site is in an area where housing is less intensively urban moving away from the town centre and the plots are largely more verdant and spacious.
8. The appeal proposal would demolish the existing bungalow and provide three dwellings. The proposed layout shows three dwellings across the site broadly in line with the dwelling at No 128. There would be a modest grassed area to the front other than at the single access point. The garden areas for the dwellings would be provided to the rear of the appeal site with detached garages to the side of the gardens.
9. The dimensions provided for the dwellings suggest that the dwellings are likely to be two storey to accommodate three bedrooms and living space. With a modest gap of around two metres between Plots 2 and 3, the appeal dwellings would largely fill the entire width of the appeal site. The proximity of these dwellings to each other would create a cramped appearance in contrast to the surrounding development where more spacious plots are to be found.
10. The appellant has referred to other styles of housing and features in the area such as semi-detached houses and areas of hardstanding. No 128 does have an area of hardstanding for parking for three cars to the front of the single bungalow on the site. However, the examples referred to by the appellant are not comparable to the appeal proposal which would be a combination of large areas of hardstanding and three detached two storey dwellings with very modest gaps in between.
11. The hardstanding to the front of the appeal proposal refers to parking for at least two cars per dwelling as well as the parking provided by the garages to the rear. The amount of hardstanding shown on the layout plan to accommodate the proposed amount of parking with the long driveways to the rear are in contrast to the existing spacious garden and would reduce opportunities to provide soft landscaping. The appeal proposal with the layout indicated for the three dwellings would appear cramped and would not be in keeping with the surrounding area and would harm the character and appearance of the area.
12. I do consider that the appeal proposal would cause harm to the character and appearance of the area. It would therefore be contrary to Policies SE1 and SD2 of the Cheshire East Local Plan Strategy which, amongst other things, refer to enhancing and contributing to the character of the area. It would also be contrary to Policy PS4 of the Congleton Borough Local Plan which states that there is a presumption in favour of development provided that it is in keeping with scale and character. It would also be contrary to the Cheshire East Borough Design Guide Adopted 2 May 2017 which, amongst other things, refers to development not being incongruous and Paragraph 130 of the

National Planning Policy Framework which refers to refusing development that fails to improve the character and quality of an area.

Other Matters

13. Whilst an indicative design has been provided, the appellant has stated that the intention is not to provide three identical houses but to allow purchasers to input into final detail design. The appellant considers that this feature together with the proposed hedgerow and a variety of planting would enhance the appeal site. However, these matters would not overcome the harm that I have found with regard to the proposed siting of three houses across the appeal site.
14. The appellant refers to the provision of three rather than two dwellings meeting the local housing requirements and being more reasonably priced. I have limited information with regard to local housing needs or local price levels and the contribution that one extra dwelling would make to the housing supply would be modest. These matters either individually or collectively do not alter my findings.
15. With regard to levels, the appellant indicates that the street scene drawing indicates the levels, retained wall levels and dimensions. However, the street plan is indicative only and there are, for example, no side elevation plans submitted to show the relationship with No 132. However, as I am dismissing the appeal on the grounds of character and appearance, the relationship between the proposed garage of Plot 3 and No 132 is not determinative for the purpose of this appeal.

Conclusion

16. I have found that the appeal proposal would harm the character and appearance of the area. For the reasons given, the appeal is dismissed.

E Griffin

INSPECTOR