



Appeal Decision

Site visit made on 13 August 2019

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2019

Appeal Ref: APP/R0660/W/19/3230381

51 and 53 Handforth Road, Wilmslow, Cheshire SK9 2LX

- 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 New Care Projects LLP against the decision of Cheshire East Council.
 - The application Ref: 18/4024M, dated 7 August 2018, was refused by notice dated 3 May 2019.
 - The development proposed is demolition of existing 2 detached properties and erection of 65no. bedrooms care home with associated landscaping, car park and access.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development on the submitted application form is given as "Demolition of existing 2 detached properties and erection of 69 Bedrooms Care Home with associated landscaping, car park and access". During the consideration of the application, as a result of negotiations and changes to the scheme, the description was changed by agreement to "Demolition of existing 2 detached properties and erection of 65 bedrooms care home with associated landscaping, car park and access" which is given on the decision notice issued by the Council. As this was the description of the scheme when the application was determined, I have used this for the purposes of the appeal.
3. The address of the appeal site is given on the planning application form as 51 Handforth Road. However, it is apparent from both the submitted drawings and from my site visit that the appeal site encompasses both this property and the neighbouring property at number 53, and both house numbers are cited on the decision notice issued by the Council and on the appeal form. I have, therefore, used this as the site address for the purposes of the appeal.

Main Issues

4. Planning permission was refused by the Council for two reasons relating, firstly, to car parking and highway safety and, secondly, to overdevelopment of the site and the effect of the proposal on the living conditions of the occupiers of neighbouring properties. Within its Statement of Case the Council has addressed matters relating to the effect of the proposal on the street scene. The appellants suggest that this section of the Council's case should be

disregarded. The second reason for refusal sets out that the Council concluded that the proposal would lead to an overdevelopment of the site due to the inappropriate bulk and massing of the design before further concluding that the proposed development would have an overbearing impact on the living conditions of neighbouring properties. The reason for refusal also makes references to Policies within the Cheshire East Local Plan Strategy 2017 (CELPS) that refer to design and design quality.

5. Although there is not an explicit reference to the character and appearance of the area in the reason for refusal, it plainly refers to the inappropriate design of the building in terms of its size. In addition, a substantial number of representations were received as a result of the notification of the planning application and a further approximately 35 representations were received following the notification of the appeal. Many of these representations referred to the size of the proposed building and the effect on the character and appearance of the area. Within this context, the design of the building and its effect on the surroundings is clearly a matter of importance in this appeal. I have therefore included the effect of the proposed development on the character and appearance of the area as a main issue. The appellants have addressed matters relating to character and appearance at some length in both their original statement of case/grounds of appeal and by directly responding to the Council's arguments in their final comments following receipt of the Council's Statement of Case. Consequently, I do not consider that the appellants' interests would be prejudiced in any way by the inclusion of this as a main issue.
6. Therefore, the main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on highway safety in the area, with particular regard to car parking; and
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, with particular regard to outlook.

Reasons

Character and appearance

7. Policy SD2 of the CELPS sets out sustainable development principles and expects new development, amongst other matters, to contribute positively to an area's character and identity, by creating or reinforcing local distinctiveness in terms of height, scale, form and grouping; materials; external design features; the massing of the development and the relationship to neighbouring properties, street scene and the wider neighbourhood. CELPS Policy SE1 seeks to ensure that development proposals make a positive contribution to their surroundings in terms of protecting and enhancing the quality, distinctiveness and character of settlements. The Cheshire East Borough Design Guide 2017 sets out more detailed design principles for the area. Whilst these policies pre-date the current version of the National Planning Policy Framework (the Framework) they are consistent with its requirement ensure that new

development will add to the overall quality of an area, be visually attractive as a result of good architecture, and sympathetic to local character.

8. Handforth Road is a busy thoroughfare, split into two sections by the road bridge over the A34, predominantly composed of large detached dwellings. In the northern section, where the appeal site is located, the houses are of varied architectural styles and ages. The west side of the road comprises of two storey houses. On the east side there is a mix of two storey houses and bungalows. Several the latter have been extended at roof level. The built form is one of large dwellings set back from the road, sitting in substantial gardens, and separated from their neighbours. Due to changes in topography, there is a significant change in level along the length of this section of Handforth Road resulting in the dwellings having the appearance of stepping down the slope as a succession of individual units. Near the appeal site there is extensive tree cover on both sides of the road.
9. Despite the differences in architectural style, this section of Handforth Road has relatively consistent plot frontage widths and building heights. The proposed new building would result in the amalgamation of two plots and the creation of a large parking area on the frontage, breaking the rhythm of the regular succession of individual plots. The appeal building would also be a three storey structure, of which there are none currently on this section of the road. Although eaves height and storey height are important in determining the perceived mass of a building, visual cues, such as the number of storeys, are also a significant factor. As a result of the fall in ground level from south to North, the proposed building would have a similar roof ridge height to the neighbouring house at number 49. Due to the width of the building frontage, this would significantly alter the strong rhythm created by the individual houses stepping down the slope and introduce a much wider perceived frontage. The appellants suggest that within the group of dwellings there are places where neighbouring dwellings have similar ridge heights despite the change in ground level. Whilst this can be seen on a drawing showing an orthographic projection of the entire street scene, this is less apparent on the ground as all the houses are not seen simultaneously, and there is no evidence that the houses on the were deliberately designed as pairs of similar overall height. The greater perceived height of the proposed building combined with its much wider frontage would be inconsistent with the prevailing built form of the neighbouring buildings.
10. The central part of the principal façade of the proposed building would be set back from the main building frontage but it would, nevertheless, still appear significantly wider than other buildings in street as the continuous front wall and roof would prevent the end bays of the new building from being read as two detached dwellings. There are variations of materials on the facades and the materials would be similar to those used in the surrounding buildings, however, from the floorplans, the building elevations are largely flat with only slight projections, and would not demonstrate the same level of articulation and three dimensional form as the existing dwellings elsewhere on the road.
11. Although there are three storey properties at Finsbury Way, these are exceptions to the predominant built form and would not appear in the same views as the appeal building. There is a large area of terraced housing to the west of the appeal site, including three storey properties in Chester Close, and small group to south of the A34. Nonetheless, the section of Handforth Road

where the appeal site is located is visually separated from these by the road bridge over the A34 and significant tree cover along the roadside and within the rear gardens of the houses on Handforth Road, resulting in it being perceived as a small and distinct group of properties primarily visually related to each other. The terraced housing to the west is accessed from a different road system and, despite its proximity, does not have a strong visual or physical relationship with the properties on Handforth Road. There are footpath links between Handforth Road and Taprorley Walk, however, these are largely enclosed by tree cover, offering no simultaneous views of both streets and the visual effect is of an abrupt, rather than gradual, transition to an area with a different architectural character.

12. It is not in dispute that the proposed building would result in a greater degree of plot coverage than the dwellings that would be replaced or that of neighbouring houses. That said, the two plots that would be combined to create the site are notably larger than other housing plots on Handforth Road and the submitted drawings clearly show that a substantial amount of open space would remain post development. There is a significant amount of tree cover on the boundaries of the site, much of which would be retained and consequently the greater extent of built development within the site would be less apparent. The principal visual effect of the development would arise from the elements that face, and are visible from, Handforth Road. Taken together, the inconsistency resulting from the greater height and width of the proposed building, combined with the less pronounced articulation of the facades would be harmful to the character and appearance of the area.
13. I conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Policies SD2 and SE1 of the CELPS.

Highway Safety/parking

14. It is common ground that the number of vehicular trips that would be generated by the proposal would be minimal; that appropriate visibility splays can be provided at the access to Handforth Road; and that the pedestrian and public transport infrastructure in the area is acceptable.
15. The proposed development would provide 24 car parking spaces. Saved Policy DC6 of the Macclesfield Borough Local Plan 2004 (MBLP) expects that new development should provide sufficient space to enable all associated parking and loading to take place off the highway and that vehicles should be able to enter and leave the development in a forward gear. The Council's car parking standards are set out in Appendix C to the CELPS. Appendix C sets out that for all developments other than dwelling houses the car parking standards should be regarded as recommended levels and that variations from the car parking standards are permissible on a site-by-site basis with reference to evidence obtained locally or from a suitable data source. It is not in dispute that applying the car parking standards rigorously would result in a requirement for 38 parking spaces.
16. The appellants submitted evidence of parking demand at other similar developments in the Council's administrative area with their planning application. This concluded that these developments had an average daily demand of 0.25 spaces per bedroom and a peak demand of 0.34 spaces per bedroom. The appeal proposal would result in a parking ratio of 0.36 spaces

per bedroom. Although the Council contend that the data provided shows at one of the sites surveyed that at some times the parking demand exceeded the number of parking spaces, it does not automatically follow that it is likely that parking would overspill onto Handforth Road at the appeal site. The data provided by the appellant also shows that at another of the sites surveyed (Hazelmere House in Wilmslow) parking demand never exceeded the total number of spaces. This site is identified as being most similar to the appeal site in terms of its location. The use of an average figure derived from three sites is an appropriate way to determine typical parking demand.

17. The precise details of the developments used to establish the modes of transport used by staff to travel to work are not known. This notwithstanding, it is common ground that the appeal site has good pedestrian and public transport links and, consequently, it is reasonable to assume that the information provided is representative of the transport choices of staff. I also note that the Highway Authority has neither questioned the methodology used to establish the anticipated parking demand, nor raised any objections to the proposal.
18. Handforth Road is a busy main road carrying two way traffic and subject to a 30 mph speed limit. In front of the appeal site there is a grass verge between the carriageway and the footway, and on the opposite side of the road there is a grass verge and no footway until further to the south. To the north of the appeal site, on the west side of the road, the verge terminates, and the footway is adjacent to the carriageway as the road approaches the roundabout junction with Welland Road and deflects around a splitter island. Handforth Road is not subject to any parking restrictions and at the time of my site visit there were no vehicles parked on the carriageway, although I recognise that this is just a snapshot of the time that I was there. Nonetheless, in the event that all the car parking spaces at the development were in use, the nature and configuration of the highway is likely to deter parking on the carriageway. Welland Road, which is a short distance from the appeal site, is not subject to any parking restrictions and could accommodate a small amount of overspill parking should this occur.
19. Swept path diagrams have been submitted that demonstrate that a refuse collection vehicle could enter and leave the site in forward gear, and these have not been challenged by the Council. Whilst a vehicle parked adjacent to space 9 and outside the main entrance to the building may prevent a refuse vehicle from manoeuvring, the width of the circulation route within the car park is sufficient to allow cars to manoeuvre in order to leave the site in a forward direction. Although there are potential circumstances when a refuse vehicle or other large vehicle may be obstructed from manoeuvring, there is no evidence that would suggest that this would be a common or even regular occurrence.
20. The National Planning Policy Framework states that planning permission should only be refused on highways grounds if there would be an unacceptable impact on highway safety. There may be instances when parking demand exceeds the number of spaces available, however, there is no substantive evidence that would indicate that there would be either a persistent shortfall, or that the ability of service vehicles or ambulances to manoeuvre within the site would be regularly constrained. This does not, in my view, amount to an unacceptable impact on highway safety.

21. Based on the evidence before me, I find that the appeal proposal would provide sufficient car parking for the development and that vehicles would be able to enter and leave the site in a forward gear.
22. I conclude that the proposed development would not cause harm to highway safety in the area, with particular regard to car parking. It would comply with the relevant requirements of Saved Policy DC6 of the MBLP and would not conflict with the recommended parking levels in Appendix C of the CELPS.

Living conditions of neighbouring occupiers

23. The closest existing property to the proposed development is number 49 Handforth Road. This is a two storey dwelling with a single storey integral garage that has a monopitch roof extending from the main roof of the house closest to the common boundary. There is a single window at ground floor level in the side elevation of the garage.
24. The appeal building would have a shallow U shaped plan form with the largest amount of floorspace within what is presently the garden area of number 53 Handforth Road. The front elevation, facing Handforth Road, would be set back, behind the frontage of number 49, with the result that the gable wall of the building would project beyond the rear elevation of this dwelling. The gable wall would be located approximately 4 metres from the common boundary and would present as a three storey elevation, although the appeal site is set at a lower level which would slightly reduce the perceived height. This elevation would be largely blank, except for two narrow windows serving a stairwell.
25. It is not argued that the proposed new building would affect the outlook from habitable rooms within number 49. Number 49 has a rear garden that is both long and wide. The gable end of the new building would inarguably be apparent as a large feature from within the rear garden of number 49. However, due to the size and extent of the garden, this would not appear unduly overbearing nor would it significantly increase the degree of enclosure of the neighbouring rear garden area. The appeal site is located to the north of number 49 and therefore the proposed new building would not cast a shadow across the garden of number 49.
26. The submitted drawings show several windows that would potentially overlook the garden area of number 49. However, those directly facing the neighbouring property would be approximately 22 metres from the common boundary and other windows would have only oblique views. Due to this distance and the configuration the proposed development, the proposed building would not result in a significant degree of overlooking of the neighbouring garden.
27. Whilst the proposed development would have an effect on this neighbouring property, this would not be so severe that it would be harmful to the living conditions of the occupiers.
28. Although the appeal site is at a higher level, there is significant tree cover between the appeal site and the proposed new building and the dwellings to the north in Swale Close. Consequently, it would not have any significant effect on these dwellings in terms of either privacy or overbearing. Whilst

located to the south of these dwellings, due to the separation distance it would not have any noticeable effect in terms of sunlight and daylight.

29. The south east corner of the building would be level with existing houses on Taprorley Walk. The closest part of these dwellings is a blank gable end and although there are windows to day rooms and dining rooms within this part of the proposed development, the proposed building would be located approximately 24 metres from this blank gable. Habitable rooms within dwellings on Taprorley Walk are a greater distance from the proposed building and as a result the proposed development would not have any significant effect on these dwellings in terms of privacy or overbearing.
30. I conclude that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring residential properties, with particular regard to outlook. It would comply with the relevant requirements of Saved Policy DC3 of the MBLP which seeks to ensure that new development does not have an adverse effect on the amenity of adjoining or nearby residential properties.

Other matters

31. The appellant has submitted a Unilateral Undertaking (UU) in respect of a contribution to improving healthcare facilities in the area. I have had regard to the comments from the North East Cheshire Clinical Commissioning Group in respect of shortfall in capacity at local Health Centre. The proposed development would potentially increase demand for healthcare facilities and therefore the financial contribution to expanding capacity is necessary to offset effects of development and is directly related to the development. The financial contribution has been calculated on the basis of a formula related the number of bed spaces to be provided and there is no evidence that would indicate that this is not fairly and reasonably related to the scale of the development. The UU would meet the requirements of Section 106 of the Act, Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, and Paragraph 56 of the Framework.
32. Although it is argued that the proposed development of the site for a care home would assist with the health and social well-being of the area, no substantive evidence has been submitted that would demonstrate there is a need for additional care home provision. The planning officer's report sets out that there is an oversupply of residential and nursing care places but indicates that there is a need for smaller scale, specialist, accommodation for elderly people such as extra care housing or housing that enables independent living due to the ageing population of the area. The appeal proposal is for a care home, a type of accommodation that the Council state is over provided for, and therefore little weight can be given to this point.

Conclusion

33. I have found that the appeal proposal would cause harm to the character and appearance of area. Due to the permanence of the building, this harm would be significant and lasting. This would conflict with the relevant requirements of Policies SD2 and SE1 of the CELPS and weighs heavily against the proposal. Although I have found that the proposal would not cause harm to highway safety, or living conditions of neighbours, neither of these matters either singly or collectively would justify or outweigh that harm that I have found. Nor is

- there any substantive evidence that there is an overriding need for care home provision that would warrant the harm that would be caused.
34. The proposed development would result in some economic benefits in terms of its construction and subsequent job creation, however, the extent of this economic benefit is not quantified and consequently attracts only moderate weight.
35. The proposal, through the UU, would contribute towards improving local healthcare facilities. This is not a benefit of the proposal as it is required to offset additional demand resulting from the proposed development.
36. Whilst the proposal complies with some of the policies in the CELPS and MBLP and the proposal would have some economic benefits, it has not been demonstrated that there is an overriding need for the type of accommodation proposed, and the harm to the character and appearance of the area would be significant. Once done, this harm could not be undone and, of itself, this is sufficient to warrant refusing planning permission.
37. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. The appeal proposal is contrary to relevant policies in the development plan and no material considerations that would indicate a decision contrary to the requirements of the development plan should be made.
38. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR