



Appeal Decision

Site visit made on 27 November 2019 by C McDonagh BA (Hons), MA

by Mr A Thickett BA(Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2020

Appeal Ref: APP/R0660/W/19/3237312

42 Jacksons Edge Road, Disley, Stockport, SK12 2JR

- 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 and Mrs McHugh against the decision of Cheshire East Council.
 - The application Ref 19/1767M, dated 8 April 2019, was refused by notice dated 8 August 2019.
 - The development proposed is a new 3 bed dwelling with attached garage and garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The appellant submitted amended plans with their appeal statement. These plans include a reduced overall height of the proposed dwelling and the removal of the garage, among other changes. I have been asked to determine this appeal on the basis of these drawings. I understand they were originally submitted to the Council for consideration but nevertheless the application was determined using the original plans.
4. Notwithstanding that, in deciding whether to accept these revised plans, I have given consideration to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) and whether any prejudice would occur. Third parties have not had an opportunity to comment upon the amended scheme and, for that reason, I consider that they would be prejudiced if I determined this appeal on the basis of the amended plans. Accordingly, I have determined this appeal using the plans originally submitted with the planning application, on which the Council made its decision.

Main Issues

5. The main issues for consideration are the effects of the proposal on the character and appearance of the area and living conditions of occupiers of neighbouring properties, with particular regard to visual impact and loss of light.

Reasons for the Recommendation

Character and appearance

6. The appeal site comprises land currently serving as the rear garden of No.42, a one-and-a-half-storey detached dwelling situated on a corner plot at the junction of Jacksons Edge Road (JER) and Stanley Hall Lane (SHL). Existing access is taken from SHL to the side of the property, while a low stone wall and hedge serves as the boundary with this street. The area is largely residential in nature, although a large care home and former telephone exchange building are located opposite the appeal site.
7. The proposal involves the erection of a two-storey dwelling comprising brick and render facing walls and a pitched, tiled roof. To the side would be a single-storey garage which would extend and wrap around the rear of the property. New access from SHL would be created to provide off-road parking. To facilitate the new dwelling, the existing garden of No.42 would be sub-divided to create the new plot while leaving some amenity space for No.42.
8. I acknowledge the appearance of No.42 may differ in some respects from adjacent dwellings. However, it shares other important characteristics, in particular with regards to generous gardens both to the front and rear. The appeal site is prominent along SHL given the corner plot and its openness is a significant feature of the vicinity. The construction of a dwelling of this scale in this location would erode this sense of openness which makes a positive contribution to the street scene causing harm to its character and appearance as a result.
9. Furthermore, the combination of smaller plot sizes, both in terms of the new dwelling and the remaining garden area left to No.42, and a significantly reduced set-back from SHL would create a cramped and incongruous form of development that would appear contrived and at odds with the established pattern of development in this location.
10. My attention is drawn to other streets in the area as an example of houses located on smaller plots; Hilton Drive and Martlett Avenue. While this may be the case, the character and appearance of a streetscene can vary from one to the next regardless of distance. The character and appearance of SHL is not directly comparable to those examples given the differences in housing types and densities. Similarly, the presence of the care home and telephone exchange may offer variation in terms of building scale in the locality but given these have different uses they are not directly comparable. As such, these arguments have not been determinative in my assessment of the proposal.
11. The proposal is therefore contrary to Policies SE1 and SD2 of the Cheshire East Local Plan Strategy (LP) and BE2 of the Disley and Newtown Neighbourhood Plan (NP). Collectively these seek to ensure development contributes positively to the area's character and identity and reinforces local distinctiveness. The proposal is also contrary to the National Planning Policy Framework (the Framework), which seeks through paragraph 127 to ensure development is sympathetic to local character and add to the overall quality of an area.

Living Conditions

12. The proposed dwelling would be located to the rear of 42 and 44 Jacksons Edge Road and to the side of No.1 Stanley Hall Lane. I note the submitted drawing

demonstrating contextual elevations of the proposal against No.1 and No.42, which show a proposal of similar height and scale to those existing.

13. Saved Policy DC38 of the Macclesfield Borough Local Plan (MBLP) advises separation distances between buildings in order to ensure living conditions of present and future occupiers are not compromised in respect of light, privacy and space. The Council accepts that the proposed development complies with the separation distances set out in Policy DC38 and I have no reason to disagree with this assessment. The supporting text of DC38 clarifies these distances are guidance only and can be adapted to meet the requirements of each site. While this may be the case, they provide a useful benchmark in order to ascertain potential impacts from development such as this.
14. The proposed dwelling would be set forward of No.1 SHL and is located to the south. The Council has not disputed the results of the appellant's sun-path diagram which shows only a marginal impact on No. 1 SHL. Given the distance between and the orientation of the existing and proposed buildings I see no reason to disagree.
15. Further regard is had to potential overbearing impacts upon No.44 JER. While the proposal would be located in the neighbouring rear garden adjacent, there would be adequate separation to ensure this new structure would not be overbearing. The rear elevation of No.44 is not orientated towards the appeal site. I am therefore satisfied there would be no overbearing impact, or a sense of enclosure imposed upon occupiers of this property.
16. Reference is also made in the officer report to impacts upon living conditions of No.42, although loss of light to the rear windows of the existing property would not be possible given the proposed dwelling would be to the north. Furthermore, given the side aspect of the garden is largely open and bound only by a low stone wall it is unlikely a sense of enclosure or overbearing would be created by the proposal.
17. Based on the above I am satisfied that, in terms of the second main issue, the development would not significantly affect living conditions of the occupiers of No.1 SHL with regard to loss of light or occupiers of either 42 or 44 JER through an overbearing impact. As such, the development would accord with saved policies DC3 and DC38 of the MBLP and the Framework. Among other aims, these collectively seek to maintain residential and general amenity of the area for current and future occupiers of properties.

Other Matters

18. I acknowledge the appellants' concerns over the Council's handling of the application. However, these are not relevant matters for the appeal process and in determining the appeal I have only had regard to the planning merits of the proposals.

Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A Thickett

INSPECTOR