



Appeal Decision

Site visit made on 10 December 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2020

Appeal Ref: APP/R0660/W/10/3236997

2 Croft Lane, Knutsford, Cheshire, WA16 8QH

- 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 Charles Street Commercial Investment against the decision of Cheshire East Council.
 - The application Ref 18/5271M, dated 19 October 2018, was refused by notice dated 13 March 2019.
 - The development proposed is described as "*erection of a single detached dwelling within the gardens of adjacent properties 2 and 4 Croft Lane*".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are, firstly, the effect of the development on protected bats and, secondly, whether the development would preserve or enhance the character or appearance of the Legh Road Conservation Area.

Reasons

Protected bats

3. An Ecological Appraisal has been submitted in support of the development, which includes a preliminary bat roost assessment. This identifies some of the trees within the site as offering highly suitable roost sites for bats. However, the Ecological Appraisal does not appear to have been informed by more detailed survey work, such as inspection surveys or presence/absence surveys. In this regard, the Council's nature conservation officer advised that a further detailed survey would be required to establish the presence of roosting bats prior to determination of the current proposal. I further note that the survey work underpinning the Ecological Appraisal was undertaken around 3 years ago and it may therefore not represent the current situation. Moreover, whilst the Ecological Appraisal notes that "*there is more than sufficient scope for mitigation and compensation at the site*", no specific mitigation measures are identified. In these circumstances, it is not possible to establish whether the proposal would have an adverse effect on bats at the site, and if so, whether such an adverse effect could be overcome by mitigation measures.
4. It has been put to me that this matter could be dealt with by a condition requiring further bat surveys to be undertaken. However, Circular 06/2005

states that it *"...is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"* (Paragraph 99). The Circular further advises that surveys should only be required by condition in *"exceptional circumstances"*. No exceptional circumstances exist in this case in order to justify such a condition, and accordingly a planning condition of this nature would not be appropriate.

5. On the available evidence, I am not persuaded that the development would avoid negative effects to protected bats that may be roosting at the site. The development would therefore be contrary to the provisions of the National Planning Policy Framework, which seek to avoid harm to protected species.

Conservation area

6. The appeal site is set within the Legh Road Conservation Area which encompasses a historic residential area that dates mainly to the late 19th and early 20th centuries. It is characterised by prestigious detached villas set within generous plots, and by dense boundary planting along the street edges. Its significance stems from its large number of well-preserved buildings and spaces that reflect the historic development of the area, particularly following the introduction of the railway line.
7. The appeal site consists of a large garden area to the north of Nos 2-4 Croft Lane. These are traditional cottages in a rural style that are identified as 'buildings of townscape merit' in the conservation area appraisal. They have a simple symmetrical design, with attractive detailing, and make a modest positive contribution to this part of the conservation area.
8. Croft Lane is a narrow route that has a more rural character than the surrounding streets. The Council suggest that this may be an earlier route that was originally used for agriculture before houses were built during the 19th century. However, the appeal site now has a domestic character and contains residential outbuildings. It is also mostly surrounded by mature trees and hedgerows that restrict its visibility from the surrounding area, particularly from the north and west. This could be supplemented by additional planting that could be secured by condition. Similarly, views of the open areas within the site are mostly screened from view, and in any case, the land on which the proposed dwelling would be positioned is currently occupied in part by derelict outbuildings. Any perceived loss of openness would therefore be limited, and any effect on the rural character of Croft Lane would not be significant in my view.
9. The proposed dwelling would occupy a plot of 0.11 hectares in size. In this regard, the Legh Road Conservation Area Appraisal (2005) states that plot sizes for new individual dwellings should be no smaller than 0.3 hectares. However, this section of Croft Lane has a different character from the rest of the conservation area, which mostly consists of large detached properties. In contrast, the appeal site is adjacent to semi-detached properties at Nos 2-4 and is near to semi-detached properties Nos 6-8, all of which are set within smaller plots. Given the denser character of its immediate surroundings, I do not consider that the development would be out of keeping in this case.

10. The proposed design is modest in its proportions and would respect the character and scale of the cottages at Nos 2-4. The height of the finished floor levels could also be controlled by condition. Moreover, the width of the proposed frontage would only be slightly wider than the existing outbuildings, and an appropriate degree of separation from No 2 would be maintained. Whilst frontage parking is proposed, that is not an uncommon arrangement along the street and the adjacent properties at Nos 2-4 both rely on frontage parking. In my view, the development would not unduly dominate or harm the significance of the cottages at Nos 2-4, including with regard to their group value with other nearby historic properties.
11. For the above reasons, I conclude that the development would preserve the character and appearance of the Legh Road Conservation Area. It would therefore accord with Policy SE7 of the Cheshire East Local Plan Strategy (2017), Policies BE2, BE13 and H12 of the Macclesfield Local Plan (2004), Policies HE2, HE3 and H2 of the Knutsford Neighbourhood Plan (2019), and national guidance relating to designated heritage assets.

Other Matters

12. The trees that are proposed to be removed are mostly of low arboricultural significance and they make a limited contribution to the character and appearance of the area. The proposed dwelling would be sited away from the mature trees and hedgerows along the boundary and would not encroach into the root protection area of any protected tree. Given the separation distance between the proposed dwelling and the protected trees, and the size of the garden area, the development would be highly unlikely to result in additional pressure to remove or lop those trees in the future. I further note that the Council has not objected to the development on these grounds.
13. It is asserted that the recently approved extensions to Nos 2-4 Lane (Ref 18/5400M) would overlook the rear patio to the new property. However, the elevational drawings for that permission are not before me and it is therefore unclear to what extent this is the case. However, as I am dismissing the appeal on other grounds, this matter is not determinative in this case.

Conclusion

14. For the above reasons, I am not persuaded that the development would avoid negative effects to protected bats that may be roosting at the site. Whilst it would preserve the character and appearance of the conservation area, and would provide an additional house in a relatively accessible location, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR