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## Appeal Decision

Site visit made on 16 December 2019

**by Ben Plenty BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> January 2020**

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**Appeal Ref: APP/R0660/W/19/3237350**

**Land adjacent to 19 Meadowside Lane, Scholar Green ST7 3LE**

- 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 Hamand against the decision of Cheshire East Council.
  - The application Ref 19/1771C, dated 8 April 2019, was refused by notice dated 26 July 2019.
  - The development proposed is new dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The plans were amended during the application process to reduce the proposed footprint and align it with the street. I have taken these revised details into account in my decision.
3. The site address was incomplete on the application form. I have therefore used the address from the Council's decision notice and appeal form for clarity.

### Main Issues

4. The main issues are:
  - the effect of the proposed dwelling on the character and appearance of the area, and
  - the effect of the proposal on the living conditions of future occupiers, especially with respect to external private space.

### Reasons

#### *Character and appearance*

5. The site, the subject of this appeal, is a triangular shaped corner plot. It is adjacent to two semi-detached dwellings. It primarily addresses Mount Pleasant Road, which rises as it passes the site. Conversely, Meadowside Lane falls away from Mount Pleasant Road. As a result, the plot is on a relatively steep gradient with 10 Mount Pleasant Road a little higher and 19 Meadowside Lane substantially lower than the site. Due to the change in levels, and the open countryside to the south, the site is prominent when entering the settlement. The local character consists mostly of detached and semi-detached dwellings. Many of these dwellings are within relatively spacious plots. The site

itself presents an open area of land to the street and distant views. The site, whilst unkempt, therefore makes a positive contribution to the rural character and appearance of the area.

6. The Inspector of the previous appeal<sup>1</sup> identified that the prevailing character consisted of generously sized semi-detached properties which faced towards the highway. She found the proposal to be narrow and misaligned to the established building line and the highway. The proposal, the subject of this appeal, has partly addressed these concerns with a wider front elevation and footprint that would follow the adjacent front building lines. However, the proposal would be disproportionate to the size, shape and constrained nature of the site. Due to the exposed nature of the site, the proposal would subsequently appear out of proportion with adjacent dwellings and be constrained in its context.
7. The plot is of limited size and this in collaboration with the comparatively large proposal would result in a cramped form of development. The appellant's contextual analysis compares footprint to plot size. This illustrates that an important characteristic of local plots consists of relatively spacious plots. Although noting some dwellings opposite the site are close to their boundaries, the majority of local plots are substantially larger than the footprints of the dwellings. Furthermore, the proposed external space would be to the front and side of the plot and therefore largely in the public realm. The external areas would be to some extent isolated from the dwelling and not directly read as part of its domain. In combination with the constrained nature of the site, the proposal would not provide for a reasonable sense of spaciousness around it.
8. Furthermore, the proposal would present its primary windowed elevation towards Meadowside Lane. This side road is a secondary and subservient highway. As such, the proposal would not adequately address Mount Pleasant Road which would be contrary to the prevailing character of the area. Although a secondary concern, the effect of this in combination with the cramped nature of the proposal, would reinforce the anomalous nature of the scheme. Consequently, the proposal would not be in character with the area or positively respond to the context of this prominent site.
9. Accordingly, the proposal would not accord with policies SE1 and SD2 of the Cheshire East Local Plan – Local Plan Strategy 2010-2030 (LP) (2017), which seeks development to contribute to a sense of place and to contribute positively to an area's character.

#### *Living conditions*

10. The proposal would include the creation of a deck area to the side of the proposed dwelling as garden space. This would be raised above natural ground level. Contextual elevations indicate that the proposed garden would be flat and level with the ground floor of the proposal and slightly lower than the highway. Consequently, it would be overlooked from the highway due to its exposed location.
11. The Council's residential development guidance<sup>2</sup> does not specify that gardens must be private. However, there would be a reasonable expectation that future occupiers would be able to enjoy a realistic level of privacy in their garden. The

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<sup>1</sup> Planning Appeal reference: APP/R0660/W/15/3028024

<sup>2</sup> Provision of Private Open Space in New Residential Development 1993 SPG

proposed screening would afford some privacy, but this would be insufficient to address this concern, the adjacent footway being substantially higher than the garden. Moreover, additional screening would further emphasise the prominence of the proposal. Furthermore, although a future purchaser would be aware of the configuration, this would not set aside the requirement to meet reasonable design expectations.

12. Therefore, although the proposed garden area meets the Council's numerical guidance, the quality of space would be compromised. The cross sections and plans do not make a compelling case that a reasonable level of privacy would be provided. The garden would include some awkward areas and be substantially overlooked from the public realm. As a result, the garden area would be exposed and of limited use.
13. Consequently, the proposal would not accord with policy GR6 of the Congleton Borough Local Plan First Review 2005, which seeks the amenity of sensitive uses to not be detrimentally affected due to privacy. Furthermore, the proposal would fail to satisfy policy SE1(4i) of the LP, which seeks development to provide an appropriate level of privacy for new residential properties.

### **Conclusion**

14. For the above reasons, the appeal is dismissed.

*Ben Plenty*

INSPECTOR