
Appeal Decision

Site visit made on 20 December 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2020

Appeal Ref: APP/R0660/W/19/3238539

21 Chelford Road, Somerford CW12 4QD

- 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 M McHale against the decision of Cheshire East Council.
 - The application Ref 19/0131C, dated 19 December 2018, was refused by notice dated 19 August 2019.
 - The development proposed is the demolition of existing house and construction of a new residential development.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I understand from the evidence that the site previously accommodated a single house, and that planning permission 15/4244C was granted in June 2016 for its demolition and construction of a new residential development of 4 dwellings. This appeal seeks permission for 5 dwellings, thus a net addition of one unit compared to that permission.
3. The description of development on the application form and the Council's decision notice both refer to the demolition of existing house. However, at the time of my site visit it had already been demolished. Therefore, I have considered the appeal for the construction of a new residential development of 5 dwellings.

Main Issues

4. The main issues are the effect of the proposals on the character and appearance of the area; whether the appeal site is a suitable location for housing, with particular reference to development plan policies concerns with village infill; and the living conditions of occupiers at 19 Chelford Road with regard to privacy.

Reasons

Character and Appearance

5. The appeal site is located on the western side of Chelford Road, where the prevailing character consists of a linear pattern of residential properties facing directly onto the road, and with the exception of a few houses arranged in tandem fashion to the south, the majority are accessed by their own separate driveways off Chelford Road. The house types in the area are varied and

consist of a mixture of bungalows, dormer bungalows and two storey detached properties, set in spacious gardens. The appeal site is located on the edge of the built-up area, and is semi-rural in appearance, beyond the site to the west lies open countryside. The gardens and the backdrop of open countryside provides an open appearance to the area, characteristic of its semi-rural location.

6. In contrast, the land to the east of Chelford Road is characterised by recent housing development, this appears to be of a higher density than the older housing to the west. These properties are substantially set back from Chelford Road, and are separated by a grass verge, a hedgerow, and a separate access road by which they are served. Therefore, there is a clear distinction between the character and appearance of the land to the east, compared to the linear, spacious form of development to the west.
7. The existing planning permission for 4 dwellings consists of two 2-storey dwellings to the front of the site, and two dormer bungalows positioned behind the building line. I understand that the appeal proposal would effectively substitute the two dormer bungalows for three 2-storey dwellings. The scheme is materially larger in scale, the dwellings would be positioned closer together, resulting in a density and appearance that would be at odds with the open and spacious appearance of the area, and would not respect the surrounding semi-rural character.
8. Whilst I understand that the ridge height of the two bungalows are similar to the height of the proposed two storey dwellings, this does not justify the harm identified above with regards to the overall scale and density of the development.
9. The appellant has drawn my attention to planning approval 17/0509C for a residential development at 9 Chelford Road and has provided a contextual sketch (figure 1) comparing it to appeal proposals at No 21. Whilst this does provide evidence of a larger dwelling being previously permitted in the area, it does not demonstrate that this forms the prevailing character. However, in my opinion figure 1 does illustrate the higher density and the lesser space provided around the proposed dwellings, compared with the existing houses in the surrounding area. I do not consider this to support the appeal in this respect.
10. I conclude that the scale and density of the development, would result in an intensive form of development that would poorly relate to its surroundings, and harm the character and appearance of the area. The proposals do not accord with Policies SD2, SE1 and SE4 of the Cheshire East Local Plan Strategy 2010-2030 (2017) (the CELPS), and paragraph 127 of the National Planning Policy Framework (the Framework), which collectively seek to ensure that new development respects local character and integrates with its surroundings.

Location of Development

11. The appeal site is located within the infill boundary line of the settlement of Somerford. Saved Policy PS6 of the Congleton Borough Local Plan (2005) (the CBLP) states that within the infill boundary line of these settlements, limited development only in accordance with Policy H6 will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the Local Plan.

12. I have concluded above that the scale and density of the proposed development would not respect the prevailing character and appearance of the area, and does not accord with Policies SD2, SE1 and SE4 of the CELPS. Consequently, I do not consider the proposals to be appropriate to the local character.
13. Therefore, I conclude that the proposed development would be contrary to saved Policy PS6 of the CBLP, which seeks to restrict new dwellings in the open countryside to limited development within the infill boundary of settlements, and those which are appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the Local Plan. Accordingly, the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for the location of housing in the development plan and the consistency and relative certainty that should ordinarily flow from a genuinely plan led approach to the location of new development.
14. The proposal would also be inconsistent with Policy H2 of the Somerford Neighbourhood Plan which seeks to ensure that infill development maintains the character and appearance of the area having regard to the spacing and set back of buildings.

Living Conditions

15. The adjacent No 19 is a two storey detached dwelling, which fronts onto Chelford Road, and whose rear garden extends the full length of the appeal site. Plots 3, 4 and 5 would be orientated at 90 degrees to Chelford Road, and each of the dwellings would be two storeys in height, orientated so that first floor windows would be directed towards the rear gardens of No 19 to the south, and a dwelling called Sunnyside to the north. There is a substantial distance provided by front gardens, driveways, a high level hedgerow, and an existing access track in between Nos 19 and the front elevations of plots 3, 4 and 5. Taking these into account I am satisfied that the proposed housing would not cause overlooking or loss of privacy to the occupiers of No 19.
16. Sunnyside to the north benefits from substantial grounds and significant space between the dwelling and the proposed houses. The rear windows of plots 3 to 5 would look towards the land to the side and rear of Sunnyside, but considering the length of the proposed gardens, as well as the size of the grounds, this would not amount to an undue degree of overlooking or loss of privacy to the occupiers of Sunnyside.
17. Therefore, I have found no harm to the living conditions of adjoining occupiers with regards to privacy. The development accords with saved Policy GR6 of the CBLP which seeks to protect the living conditions of occupiers of adjoining residential properties.

Other Matters

18. I note the appellant's submission with regard to the contribution to the Council's 5 year housing land supply in the borough, and paragraph 68 of the Framework in relation to sites less than 1 hectare. However, the site already has permission for 4 dwellings, and the contribution of one additional dwelling would have a limited effect on the supply of local housing, which does not

outweigh the harm in terms of the conflict I have identified with strategic policies for the location of housing within the area.

19. The appellant has raised concerns in relation to the processing of the application by the Council, and the correspondence that took place between both parties regarding amendments. However, these are not matters relevant to assessing the planning merits of the appeal proposal or are matters between the parties concerned and so have not affected the outcome of this appeal.
20. The appellant has referred to various other planning permissions/developments at nearby sites. I have not been provided with the full details of these cases and, as such, I cannot ascertain the extent to which they are comparable to this appeal. Therefore, I can attach little weight to these decisions. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
21. The appellant has referred to emerging Policy HOU8 of the Cheshire East Local Plan Publication Draft Site Allocations and Development Policies Document, which I understand deals with back land development. However, this policy has not undergone examination in public, and considering its relatively early stage it can be afforded little weight for the purposes of this appeal. This does not alter my findings.
22. I note the appellant's submission regarding the consultee comments from Jodrell Bank, forestry, nature conservation and highways. However, given the neutrality of these consultee comments insofar as they relate to this appeal, they do not affect my findings on the main issues above.

Conclusion

23. Although I have found no harm from the proposal on the living conditions of adjoining occupiers, I have found there would be harm to the character and appearance of the area, and the location of development. Those are the prevailing considerations. Therefore, having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Cooper

INSPECTOR