
Appeal Decision

Site visit made on 9 December 2019 by Hilary Senior BA(Hons) MCD MRTPI

by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th January 2020

Appeal Ref: APP/R0660/D/19/3238412

9 Field View, Congleton Road, Smallwood, CW11 2YH

- 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 Tomlinson against the decision of Cheshire East Council.
 - The application Ref 19/0962C, dated 11 October 2018, was refused by notice dated 12 July 2019.
 - The development proposed is Construction of a new single vehicular drop kerb in front of property.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new single vehicular drop kerb in front of property at 9 Field View, Congleton Road, Smallwood, CW11 2YH in accordance with the terms of the application, Ref 19/0962C, dated 11 October 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Master Plan (Existing) Congleton Rd/SMP A, Details of Proposed Works Congleton Rd/SMP A, Site Visibility Splays (Proposed) Congleton Rd/SVS B.

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 description of development set out in the Council's decision notice differs from that in the banner heading above. In the formal decision above I have used the shorter more concise description from the decision notice.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the local area.

Reasons

5. The proposal is for a drop kerb in front of 9 Field View to create a vehicle crossover that would enable access to an off-street parking space.
6. The appeal property is part of a modern development of 14 dwellings in an area designated as open countryside in the Cheshire East Local Plan Strategy 2010-2030 (2017). The dwellings are set back from the road and have two parking areas with spaces reserved for each dwelling via a single access road off Congleton Road, a C classified road. One parking area is to the rear of the properties but the second area is located in front of the dwellings and visible from the highway.
7. There is no footway fronting the property, access to the pedestrian gate is over the grass verge. There are no parking restrictions although the road is relatively narrow and at the time of the site visit (mid-morning) lightly trafficked.
8. The grouped parking, grass verge and landscaping limits the impact of the development on the wider character rural of the area. However, the effect on the street scene of an additional dropped kerb and parking area would be limited as adjacent to this development is an older row of terraced houses several of which have introduced frontage parking.
9. Although the use of the frontage for additional parking would add to the urbanising effect of the development, part of the garden would remain, and it would therefore have a limited effect on the character and appearance of the area.
10. For the reasons given above, I conclude that the proposed dropped kerb will not cause harm to the character and appearance of the local area, and would comply with policy SE1- Design of the Cheshire East Local Plan Strategy 2010-2030 (2017) and paragraphs 127 and 130 of the National Planning Policy Framework which together seek to ensure that proposals make a positive contribution to their surroundings and protect and enhance the character of settlements.

Conditions

11. I have attached the standard time limit condition for the avoidance of doubt. In addition, the Council have suggested that a condition requiring the development to be carried out in accordance with the approved plans, I consider this is also necessary for the avoidance of doubt.
12. I note that the Council's highways department requested that visibility splays be provided prior to first development. However, given the small scale of the development proposed, it is sufficient to require that the visibility splays are provided in accordance with the submitted 'site visibility splays plan' to ensure that the scheme would not be harmful to highway safety.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

V Lucas

INSPECTOR