
Appeal Decision

Site visit made on 15 June 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 8 July 2020

Appeal Ref: APP/R0660/D/20/3246735

4 Oakwood Court, Beechfield Road, Alderley Edge SK9 7AT

- 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 Steven Hughes against the decision of Cheshire East Council.
 - The application Ref 19/4895M, dated 21 October 2019, was refused by notice dated 16 December 2019.
 - The development proposed is two storey extension to side and excavation of garden to form patio.
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Decision

1. The appeal is allowed and planning permission granted for two storey extension to side and excavation of garden to form patio at 4 Oakwood Court, Beechfield Road, Alderley Edge SK9 7AT in accordance with the terms of the application ref: 19/4895M, dated 21 October 2019 and subject to the conditions set out in the attached schedule.

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.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Alderley Edge Conservation Area.

Reasons

4. The appeal site is located within the Alderley Edge Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Alderley Edge Conservation Area is characterised by substantial individually designed Victorian villas constructed from a range of materials set in extensive wooded and landscaped gardens. They are accessed mainly via narrow winding lanes with high boundary walls allowing limited public views of the dwellings.
5. 4 Oakwood Court is one of a terrace of four modern mews houses set in the extensive and well treed grounds of Oakwood Villa which is a large Gothic style building now divided into apartments. Although the mews development has

- altered the appearance of the original grounds, the site as a whole nevertheless makes a positive contribution to the character and appearance of the area. The buildings themselves are not prominent from within the public realm.
6. No 4 is the furthest mews house away from the villa and overlooks a landscaped area that was originally the garden of the villa. The proposal is to extend the dwelling through the addition of a gable fronted element to the existing side elevation. Due to the changes in level, the proposal would necessitate the excavation of a small part of the garden to create a patio area.
 7. In terms of its appearance, the gabled design of the extension would mirror that of the existing building and the development would be constructed in matching materials. It would also be of the same height. Whilst the proposal would include a glazed area between the gables, this visually lightweight element would assist in reducing the apparent massing of the development. Accordingly, the proposal would not adversely affect the character or appearance of the host dwelling itself.
 8. Furthermore, the proposed extension would be limited in extent when compared to the bulk and massing of the mews considered as a whole. Whilst the development would elongate No 4 so that it would appear larger than the other units, I note that the properties are not uniform in terms of their design. Moreover, given that it would represent a limited increase in the length of the mews, and would be lower in height and set behind Oakwood Villa, it would not have an overbearing impact on the villa itself. It would therefore have a neutral impact on its setting.
 9. Although the garden area is landscaped, the development would be set at a distance from the nearest tree and there is no evidence to indicate that the proposal would have a direct impact on the existing trees or their roots. Accordingly, the mature landscaped character of the site would not be significantly altered.
 10. In light of the above, I conclude that the proposed development would preserve the character and appearance of the Conservation Area. Consequently, the development would meet the statutory tests set out in the Act and would accord with policy SE7 of the Cheshire East Local Plan Strategy (2017) and saved policy BE12 of the Macclesfield Borough Local Plan (2004), and the aims of the National Planning Policy Framework. Amongst other things, these seek to ensure that development conserves the character or appearance of Conservation Areas, in particular the Alderley Edge Conservation Area.

Conditions

11. I have considered the conditions suggested by the Council in accordance with the Planning Practice Guidance (PPG). In the interest of proper planning I have attached a condition relating to time limits, and a condition specifying relevant plans to provide certainty.
12. In order to protect the character and appearance of the Conservation Area a condition that specifies that matching materials to the host dwelling are used in the development is necessary.
13. I have noted that other conditions have been suggested by consultees in relation to protected species and tree protection which have not been specified by the Council. While I have taken these suggestions into account, nesting

birds are protected under other legislation and I am unconvinced, given the scale of the development and the distance from the trees, that the proposal would indirectly impact on root protection areas. As such these conditions are not necessary to make the development acceptable.

14. I have also noted concerns about disturbance to residents during the construction period. Such disturbance is commonly associated with construction work generally and, given the limited scale of the development, I have no reason to consider that that is likely to be excessive or unusual in this instance. Accordingly, a condition restricting activity is therefore unnecessary and would not meet the tests for conditions set out in the PPG.

Conclusion and Recommendation

15. 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

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

Susan Ashworth

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 07/19/LP, Block Plan 07/19/BP, Existing Garden Plan 07/19/EGP, Proposed Garden Plan 07/19/PGP, Tree Plan 07/19/TP 95/19/1, 95/19/2, 95/19/3, 95/19/4, 95/19/5, 95/19/6.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.