
Appeal Decision

Site visit made on 14 July 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/R0660/W/19/3243741

Land adjacent to Withinlee Hollow, Withinlee Road, Prestbury SK10 4AT

- 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 Peter Busby against the decision of Cheshire East Council.
 - The application Ref 19/1955M, dated 8 April 2019, was refused by notice dated 13 September 2019.
 - The development proposed is the erection of a dwelling house with associated works including landscaping.
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Decision

1. The appeal is dismissed.

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 effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is a plot of land set behind the main frontage of residential development on the south eastern side of Withinlee Road. It is accessed via a shared driveway which serves the adjacent properties known as Withinlee Hollow and Withinlee Court. The site is surrounded on all sides by large residential properties set within generous grounds and there is extensive tree coverage along the north east and southern boundaries. The site has a significant north west to south east falling gradient.
5. Permission is sought for a two-storey dwelling with a linked garage. It would largely be positioned centrally in the site and orientated on a north west to south east axis to take into consideration the topography of the site. The proposed dwelling would be two-storey from the front however would include a part basement/lower ground level, thus it would appear as three storeys on the south elevation. This appeal proposal is a resubmission of a previously refused development which was subsequently dismissed at appeal¹ (the 2016 proposal).

¹ Appeal Ref: APP/R0660/W/16/3155983

6. Saved Policy H12 of the Macclesfield Borough Local Plan (January 2004) (the MBLP) states that new housing development within the low density housing areas, of which the appeal site falls, will not normally be permitted unless it meets a number of criteria. These include the requirement for proposals to be sympathetic to the character of the established residential area, the plot width and space between the sides of housing should be commensurate with the surrounding area and the existing low density should not be exceeded. The appeal site is located within Prestbury which is also subject to the criteria of this policy that both the new housing plot and the remaining plot should be approximately 0.4 hectares (1 acre).
7. The plot size for the proposal would be 0.24 hectares, therefore falling below the recommended 0.4 hectares. Despite this, whilst I have not been provided with a copy, the appellant notes that the Prestbury Village Design Statement 2007 identifies the appeal site as falling within an area where average plot sizes are 0.22 hectares. It also seems to me that the plot size for the appeal proposal would exceed the average plot sizes within Prestbury as identified in the Cheshire East Design Guide (2017), although I have also not been provided with a copy. Based on the information before me, despite falling below the criteria of saved Policy H12 of the MBLP, it appears that the appeal site would be larger than the average plot sizes within the area.
8. The National Planning Policy Framework (the Framework) is clear, at paragraph 126, that the level of detail and degree of prescription of plans or supplementary planning documents should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified. Notwithstanding my findings on the size of the plot as noted above, saved Policy H12 of the MBLP is overly prescriptive on plot sizes and in this regard, it is not therefore entirely consistent with the Framework. Nevertheless, as noted previously by my colleagues², this is only one criteria for assessing the effect of a proposal on the character and appearance of the area. Overall, I therefore consider that this Policy is generally compliant with the aims of the Framework to ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. As such, I afford this Policy moderate weight.
9. The appeal site is primarily read in context with the immediate surrounding plots and dwellings, which are also set back behind the main frontage of built form onto Withinlee Road. These sites are substantially more generous than the appeal site with extensive garden areas around the host dwelling. I acknowledge there are smaller plots in the area, however those examples tend to be read in a cluster of smaller sites that typically front a highway. Therefore, despite the appeal site exceeding the average plot sizes in the wider area, it would appear at odds with those in the immediate locality, which generally have spacious garden areas.
10. The appeal site is restricted in size due to its linear shape and steep topography. The proposed dwelling would have a considerable width and the total amount of proposed development would occupy a significant proportion of the site. The proposal would introduce substantial built form to a constrained area which would be uncharacteristic with the surrounding spacious pattern of development.

² Appeal Ref: APP/R0660/W/16/3155983 and APP/R0660/W/17/3174840

11. I acknowledge that the proposed development would have a reduced built footprint and area of hardstanding than the 2016 proposal. It has also been designed with traditional detailing and a reduced eaves height to lessen its scale and bulk. Nevertheless, the proposal would be positioned at the highest point of the site and would have a considerable overall scale, reading as a three-storey property on the south elevation which would be visible from Withinlee Hollow. It would therefore be an overly dominant addition to the restricted plot which is not commensurate with the immediate locality.
12. Plot density is only one element of a measure of the effect on character and appearance and looked at in the round, taking all the above into consideration, whilst the proposed dwelling would be smaller compared to other properties in the immediate locality and the plot would be larger than the average in the wider area, the site remains significantly constrained and this proposal would result in cramped development that is not commensurate with the immediate area.
13. I acknowledge the approved development at Withinlee Hollow adjacent which appears to increase the scale and massing of the bungalow. Be that as it may, that plot is significantly more spacious than the appeal site and the enlarged property would sit well within its generous surroundings. As such, this example is not directly comparable to the appeal proposal.
14. My attention has been drawn to examples of developments which have been approved despite also falling below the prescribed plot size of 0.4 hectares through saved Policy H12 of the MBLP. From the information before me, it appears that in those examples the Council and the Planning Inspector also gave consideration to the characteristics of the individual plots and the surrounding area. For the reasons noted above, unlike the examples, I consider that this appeal proposal would fail to reflect the characteristics of the immediate locality.
15. For the reasons given above, the proposed development would harm the character and appearance of the area. It would therefore conflict with policies SE1 and SD2 of the Cheshire East Local Plan, Local Plan Strategy 2010 – 2030 (July 2017) and saved Policy H12 of the MBLP which collectively seek, amongst other things, to ensure developments are sympathetic and contribute positively to the character of the area.

Other Matters

16. The Council have not raised any concerns over the effect of the proposal on the living conditions of nearby occupiers, highway safety, trees, ecology or any other matter. Based on all I have seen and read, I have no reason to disagree. However, these are neutral factors in the planning balance.

Planning Balance

17. The proposed development would provide one new dwelling in an accessible location where there is an identified local housing need. There would be economic benefits associated with the investment and employment in the construction of the dwelling and from the spending in the local area from future occupants. However, even if development of the site with an acceptable scheme could make effective use of the land through development of an under-utilised site, the nature of the social and economic benefits in this case would

be limited due to the small scale of the proposal. Therefore, they would not outweigh the harm to the character and appearance of the area I have identified, harm that carries significant weight against the proposal. The proposal conflicts with the development plan and there are no material considerations that would indicate a decision otherwise would be appropriate.

Conclusion and Recommendation

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

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

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

Kenneth Stone

INSPECTOR