
Appeal Decision

Site visit made on 24 August 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2020

Appeal Ref: APP/R0660/W/20/3249688
207 Birtles Road, Macclesfield SK10 3JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David Clark (Y Developments Ltd) against Cheshire East Council.
 - The application Ref 19/4054M, is dated 2 August 2019
 - The development proposed is the demolition of the garage and outbuildings and erection of three new houses, including two new vehicle accesses and landscape works.
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Decision

1. The appeal is dismissed and planning permission for the demolition of the garage and outbuildings and erection of three new houses, including two new vehicle accesses and landscape work is refused.

Procedural Matters

2. The appeal was submitted against the non-determination of the application. The Council's appeal statement assessed the proposal and outlined the reason why it would have been refused had the appeal not been submitted. I have had regard to the putative reason in my consideration of the appeal.
3. The appeal scheme originally included an extension to the host property but during the application process this part of the proposal was removed. To reflect this, it has been agreed with both main parties that the description of the development should be amended to that used in the above banner heading.
4. At appeal stage the appellant submitted some amended plans, these removed the proposed extension to the host property and increased the size of the garden and drive to plot 4. The Council consider that although third parties have not been consulted on these revisions, the changes are so minor that neighbours would not be prejudiced by not having seen them. I have therefore determined the appeal on the basis of the amended plans.

Main Issue

5. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is a sloping triangular plot of land located at the junction of Birtles Road and Whirley Road. No 207 is a semi-detached dwelling which

together with the attached house is set perpendicular to Birtles Road. The site currently comprises the large rear and side garden to the host property. It lies on the edge of the town, with open fields on the opposite side of both roads, and the large garden areas of both these properties contributes to the transition between town and country.

7. It is proposed to build 3 houses which would front onto Whirley Road. Two would be located close to the existing houses on Whirley Road, and the other closer to the apex of the site. Due to the topography of the land, they would appear two storey from the front but single storey at the rear. This would reflect the two storey nature of dwellings on Whirley Road and the mainly single storey character of houses on Birtles Road.
8. However, due to the difference in levels and its position in relation to other houses, the proposed dwelling towards the apex of the site would be an overly dominant feature in the street scene, particularly when viewed along Whirley Road. The large flat roof element at the side of this property would, in particular, be a prominent and incongruous feature that would be out of keeping with the more traditional character of housing in the area.
9. In contrast to its currently open nature, the development would result in much of the site being covered in hardstanding, or buildings. As a result, the site would no longer provide a natural transition between the rural area and the town but would create a much harder edge to the settlement, to the detriment of the visual amenity of the area.
10. Whilst the scheme may accord with the required separation distances and other standards for new houses, the unusual shape and position of the garden areas in relation to the houses would be out of keeping with the prevailing urban grain of the area, and would contribute to the site appearing cramped and over-developed.
11. In order to prevent overlooking the rear elevation of house 4 on the apex of the site would be devoid of windows. Although this blank elevation would be partially screened from view by the hedge around the garden of No 209, it would still be visible from Birtles Road, where it would appear as a visually detrimental feature.
12. Consequently, I consider that the proposed development would unacceptably harm the character and appearance of the area. Therefore, it would conflict with Policies SD1, SD2 and SE1 of the *Cheshire East Local Plan Strategy (adopted July 2017)* which seek to ensure that developments have a high quality of design that reinforces local distinctiveness, contributes positively to the character and identity of the area and protects and enhances the natural and built environment.
13. Although the development would make a small contribution to housing supply and make efficient use of land this would not outweigh the harm it would cause to the character and appearance of the area.
14. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR