
Appeal Decision

Site visit made on 12 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/20/3251771

Domek, 48 Towers Road, Poynton SK12 1DE

- 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 Harvey Homes and Mr M Sochaczewski against Cheshire East Council.
 - The application Ref 19/4443M, is dated 18 September 2019.
 - The development proposed is the replacement of a single family dwelling with 3 family dwelling houses and associated off-road parking.
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Decision

1. The appeal is dismissed and planning permission for the replacement of a single family dwelling with 3 family dwelling houses and associated off-road parking is refused.

Application for costs

2. An application for costs was made by Harvey Homes and Mr M Sochaczewski against Cheshire East Council. This application is the subject of a separate Decision.

Procedural Matters

3. 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.
4. Third parties have suggested a covenant restricts the number of houses that can be built on the site and the distance that has to be maintained to Charter House, although this is disputed by the appellant. Nevertheless, whilst such a covenant may have implications for implementation, I have made my decision based only on the planning merits of the case.

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 consists of a large detached bungalow with generous front and rear gardens. The house is wide but relatively shallow, with the house filling much of the width of the plot.
7. In the vicinity of the appeal site Towers Road and the nearby South Park Drive consist of moderate to large detached houses on commensurately sized plots. Whilst the distance houses are set back from the road varies, all have good sized front gardens. Whilst some of these have extensive mature vegetation in the front garden screening much of the house from view, many others, including the appeal site are relatively open. On the opposite side of the road are fields, with some barn conversions further along that side of the road. These factors combine to give the area a semi-rural, open and spacious character.
8. It is proposed to demolish the existing bungalow and replace it with three dwellings, two of which would have long, narrow plots and the other would have a wider but shallower plot. Whilst plot widths and sizes vary in the area, the two narrow plots would have uncharacteristically small frontages. Much of the area to the front of these houses would be given over to vehicular parking and the pedestrian access giving limited space for any front garden or vegetation. This would be out of keeping with the prevailing character of the area. In addition, the houses would not be set back from the road as much as many of the other houses in the vicinity.
9. All three of the houses would have limited space to either side. I observed that other houses on Towers Road also extend to fill much of the width of their plots. Nevertheless, the combination of limited space to the side, two of the plots having uncharacteristically narrow frontages and having the area to the front dominated by parking, and the more limited distance the houses would be set back from the road, means that the development would appear cramped and the site over-developed. As a result, it would be at odds with the spacious character of development in the wider area.
10. The house closest to Charter House would just maintain the minimum separation distance between the side elevation and the windows on the rear elevation of this adjacent house. However, in an area with such an open and spacious character, the fact that minimum separation distances can only just be provided reinforces the fact that the development would be out of keeping with the prevailing urban grain.
11. The more limited space to the front of the dwellings would make the houses a dominant and intrusive feature in the street scene, amplifying the visual harm they would have on the area. Given the wide variety in the design and age of houses in the locality, the contemporary design of the dwellings would not in itself be out of character. However, the long narrow nature of two of the houses would make them incongruous features in the street scene.
12. It is not disputed by the Council that Policy H12 of the *Macclesfield Borough Local Plan (adopted January 2004)* (MBLP), which defines this area as a Low Density Housing Area, is not consistent with the *National Planning Policy Framework* (the Framework) and so should be given little weight. I see no reason to disagree with this conclusion. Whilst paragraph 122 of the Framework encourages the efficient use of land, it highlights that this must

take into account the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed places. The appeal scheme would not achieve this balance.

13. Consequently, the proposed development would unacceptably harm the character and appearance of the area. Accordingly, it would conflict with Policy SE1 of the *Cheshire East Local Plan Strategy (adopted July 2017)* (CELPS) and Policies HOU6, HOU8 and HOU11 of the *Poynton-with-Worth Neighbourhood Plan 2016 -2030 (made November 2019)* which seek to ensure developments make a positive contribution to areas, protect and enhance the quality, character and distinctiveness of settlements, and reflect the layout and form of the surrounding development.
14. The appellant has highlighted that the Council has not made any specific suggestion that the scheme is contrary to the *Cheshire East Borough Design Guide (adopted May 2017)*. However, this guide supports the main design policy (Policy SE1) in the CELPS to which the Council have clearly identified the scheme would be contrary, with the reason for this being set out in their evidence. Whilst the internal consultee may not have objected to the scheme, this represents the view of an officer, not the formal decision of the Council.
15. In support of the appeal my attention was drawn to the fact that the Council have approved a number of other developments in the area with smaller plot sizes. I do not know the location of all of these schemes or whether the circumstances of each of them is directly comparable with the appeal scheme, including in terms of the policies that applied at the time they were determined. I observed a development of 8 new houses on a site on South Park Drive, but from what I could see of this scheme it comprises large houses in spacious grounds, set around a lake. This is very different to the appeal proposal and so does not represent a direct parallel.

Other matters

16. The Council's appeal statement indicates that further bat activity surveys were recommended in the Bat Survey Report. However, the appellant has highlighted that further survey work was carried out that showed the current house had negligible potential to support roosting bats. As a result of these the Council's ecologist agreed that no further survey work was required. In the light of this, I am satisfied that the development would not cause harm to protected species.

Planning Balance and Conclusion

17. Within the CELPS Poynton is designated as a Key Service Centre where growth is expected. This includes a significant number of new houses including on windfall sites. The appeal scheme would make a small contribution towards housing supply in the area. In line with this designation the town has a good range of services and facilities as well as both bus and rail services. The development, both through the construction phase and through the spending of future occupiers, would bring some benefits to the local economy. Whilst these are matters that favour the scheme, I do not consider that they are sufficient to outweigh the harm I have identified it would cause.
18. The appellant has suggested the development would not harm the historic or natural environment or be detrimental to the living conditions of existing

residents. Be that as it may, an absence of harm in these matters is a neutral factor.

19. For the reason set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR