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# Appeal Decision

Site visit made on 3 November 2020

**by Mark Dakeyne BA (Hons) MRTPI**

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

**Decision date: 18 November 2020**

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**Appeal Ref: APP/R0660/W/20/3256742**

**Fernlea, Stanley Road, Knutsford WA16 0DJ**

- 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 Phil Thewlis, PLT Properties Ltd against the decision of Cheshire East Council.
  - The application Ref 19/2254M, dated 7 May 2019, was refused by notice dated 18 June 2020.
  - The development proposed is construction of 3 dwellings following demolition of the existing dwelling.
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## Decision

1. The appeal is allowed and planning permission is granted for the construction of 3 dwellings following demolition of the existing dwelling at Fernlea, Stanley Road, Knutsford WA16 0DJ in accordance with the terms of the application, Ref 19/2254M, dated 7 May 2019, subject to the conditions set out in the attached schedule.

## Procedural matter

2. The application form refers to 3 detached dwellings. However, the proposal was amended to 1 detached dwelling and a pair of semis before its determination by the Council. The description in the banner and decision reflect these revisions.

## Main issues

3. The main issues are (1) the effect on the character and appearance of the area and (2) the effect on the living conditions of neighbouring residents with particular reference to outlook, privacy and light.

## Reasons

### *Character and appearance*

4. Stanley Road is a main thoroughfare looping around the southern edge of Knutsford Town Centre. Its character reflects its edge of centre location, with a civic building, modern flats and a foodstore with large car park along the northern side, but with long established housing to its south.
5. The appeal site itself is a triangular plot with its longest side fronting onto Stanley Road. It presents a wide frontage to the street in a prominent location, close to a busy junction at the southern end of the town centre. The bungalow and detached garage which occupy the site lie behind a high roadside

wall. Although the upper parts of the buildings appear above the wall, their modest scale and design do not contribute positively to the street scene. Similarly, the compact line of hipped roof bungalows fronting St Johns Road to the south-west of the site are understated and have a neutral influence. In contrast, the larger Victorian and Edwardian villas to the west, which lie within the St Johns Conservation Area, have a positive impact on the local scene.

6. In the above context, the site provides an opportunity to make more of itself. Redeveloping the appeal site with taller and more prominent buildings would, in principle, be acceptable. The particular proposal, with buildings of three and two storeys addressing the frontage, would, along with the modern flats opposite at Libris Place, frame and enclose the approaches along Stanley Road, particularly from the busy junction to the east. The narrowing of the street that would result would not be harmful. At the same time, as the three storey dwellings would have flat roofs, they would be a height equivalent to a two-storey property with a pitched roof. They would be lower than Libris Place. The house on Plot 1 would step down in height towards the bungalow, Tynedale. Comparing the eaves height of the houses with the bungalow is not appropriate, given the undistinguished form of the existing building.
7. The scale and siting would result in a balanced design solution to the site recognising the different characteristics of development on the opposite sides of the road as set out in the Knutsford Character Assessment. On the one hand, the houses would reflect the scale of the villas to the west and the Town Council building within the Town Centre Conservation Area to the north. On the other hand, the proposal would acknowledge the proximity of more urban built form.
8. Although the extent to which buildings would cover the site would not change significantly, the development would increase density on the plot taking into account its scale and massing. However, the layout ensures a reasonable gap between the semi-detached properties and the detached dwelling on Plot 1. Some space would be maintained to the Stanley Road frontage through the angled siting which would distinguish the development from the higher density flats opposite which form a continuous block directly onto Stanley Road. Plots 2 and 3 would hug the southern boundary beyond which an undeveloped area towards the railway cutting would remain. The areas of glazing would break up the elevations.
9. Moreover, because of the site's edge of town centre location and its close relationship with the flats opposite and the civic and commercial buildings nearby, the density would be acceptable. Indeed, the proposal would make effective use of land in a location that is well served by public transport as supported by the National Planning Policy Framework (the Framework). The proposal would not represent an overdevelopment of the site.
10. The contemporary design of the dwellings, including the use of flat roofs and significant areas of vertically aligned glazing, would contrast with the solid and traditional appearance of the villas and the Council building. However, the design of Libris Place provides a modern reference point. The elevations would incorporate red brickwork and render and a symmetrical pattern of fenestration which would reflect the materials and appearance of both vernacular and modern buildings nearby. The Knutsford Design Guide is supportive of contemporary design provided it is well proportioned and demonstrates a

unifying material palette which is the case here. The development would have a landscaped setting provided by the trees close to its southern boundary, the hedge on the western side and the proposed tree and hedgerow planting to the garden areas.

11. I conclude that the proposal would be acceptable in relation to the character and appearance of the area. For the reasons given above, the development would preserve the settings of the St Johns and Town Centre Conservation Areas. The setting of the Town Council Offices, a Grade II listed building, would also be preserved.
12. There would be compliance with Policies SD2, SE1, SE2 and SE7 of the Cheshire East Local Plan Strategy 2010-2030 adopted July 2017 (CELPS), Policies D1, D2, H2, HE1 and HE2 of the Knutsford Neighbourhood Plan made January 2019 (KNP) and saved Policy DC8 of the Macclesfield Borough Local Plan adopted January 2004 (MBLP). This is because the development would contribute positively to the area's character and distinctiveness through its scale, massing, materials, design and relationship to the street scene; have a plot ratio, density, scale and height which is commensurate with the surrounding townscape; and preserve mature vegetation and incorporate landscaping to provide a balance between open space and built form.

#### *Living conditions*

13. There is a tall conifer hedge to the boundary with the adjacent bungalow, Tynedale. Moreover, Tynedale has its main aspects to the front and rear such that the openings in its side elevation and north-eastern roof slope are not the main sources of outlook and light. As a result, although the two-storey dwelling on Plot 1 would be close to the boundary, there would not be a significant visual impact for the occupiers of Tynedale. As the openings to the flank elevations of Plots 1 and 2 serve non-habitable areas or are secondary and those to the upper floors would be obscure glazed, there would be no material loss of privacy.
14. Some of the separation distances between the dwellings and Libris Place would be less than achieved with many residential developments. Indeed, the Cheshire East Design Guide Supplementary Planning Document (SPD) seeks front to front separation distances of 18m. However, the Guide allows flexibility based on a design led approach. In this case the nearest face to face openings and balconies are to be obscure glazed or screened. Moreover, due to their angled siting, the proposed dwellings would not directly face the south elevation of Libris Place. Finally, in an edge of town centre location where densities should be optimised, it is to be expected that development would be more closely knit. The proposal would not unduly detract from the living conditions of the occupiers of Libris Place by reason of loss of outlook or privacy.
15. The daylight and sunlight study concludes that there would be no significant adverse impact on daylight or sunlight for occupiers of Tynedale or Libris Place as a result of the development. The kitchen-dining room at Tynedale has a door and window in the side elevation but also has a further window facing to the south-east so the reduction in daylight levels would be modest.

16. Other nearby properties, such as the other bungalows on St Johns Road, are separated by intervening development and so the living conditions of occupiers would not be materially affected.
17. In conclusion the proposal would have an acceptable impact on the living conditions of neighbouring residents with particular reference to outlook, privacy and light. There would be compliance with Policy SE1 of the CELPS and saved Policy DC3 of the MBLP as an appropriate level of privacy for existing residential properties would be achieved and the development would not be overbearing or lead to a loss of sunlight or daylight. The separation distances in the SPD are more up to date so are preferred to those referred to by Policy DC38 of the MBLP.
18. In terms of the living environment for future occupiers of the dwellings, the main living areas would have multiple openings and sufficient light and outlook. The private gardens for Plots 2 and 3 would be compact but these properties would also have balconies. The provision of undercroft parking frees up outside areas on Plots 2 and 3 that would otherwise be given over to vehicles. The amount of external space would be satisfactory.

#### *Other matters*

19. The development would use the existing vehicular access to serve Plots 2 and 3 and a new access for Plot 1. Visibility onto Stanley Road would be acceptable. Pedestrians would have another access to cross but vehicle movements would be limited. Each of the houses would have two parking spaces and turning areas which would be adequate. On-street and town centre parking is available nearby should it be required. No evidence of parking stress in the vicinity is before me. The development would not materially exacerbate congestion. Any disruption to traffic movements or peace and quiet during construction would be temporary.
20. The 3-bed family homes proposed are supported by Policy H1 of the KNP. I note references to appeal decisions in 2002 and 2004, but the developments before the Inspectors many years ago were significantly different.
21. I understand that the Council has recently refused a very similar development on the appeal site. However, my reasoning is confined to the proposal before me.

#### **Conclusions**

22. I have not identified any material harm. There would be compliance with the development plan. The proposal would also realise benefits in that, although there is a reasonable supply of housing land in Cheshire East, there would be a net gain of 2 dwellings that would incorporate green technologies and be in a sustainable location close to the town centre and public transport.
23. For the above reasons, the appeal should succeed.

#### **Conditions**

24. In granting planning permission, I have considered the conditions suggested by the Council against the advice within the Framework and the Planning Practice Guidance. I have amended some of the conditions for clarity and consistency.

25. I have imposed a condition relating to the approved plans for certainty. Tree protection, materials, and landscaping need to be secured by condition in the interests of the character and appearance of the area. The layout and landscaping plans do not show specific details of surfacing, planting and boundary treatments so I have included a condition to require a scheme. Conditions relating to birds and protected species are necessary to minimise impacts on, and provide net gains for, biodiversity. As the site slopes and all finished levels are not shown on the plans, a levels condition is needed. Such a condition would ensure that the development has an acceptable relationship with neighbouring properties.
26. The obscure glazing, balcony screens and recommended noise mitigation measures are required in the interests of the privacy of neighbouring occupiers and to ensure a suitable living environment for future occupiers. Charging points are necessary to ensure compliance with paragraph 110 of the Framework. Access and parking arrangements need to be implemented in the interests of highway safety.
27. Tree protection measures need to be in place and ground levels and landscaping approved before works commence as they are important to achieving a well-planned development. The pre-commencement conditions have been agreed in writing by the appellant.
28. There is no need for a separate condition relating to boundary treatments as these fall within the definition of landscaping. Importing contaminated soils and dealing with unexpected contamination are not matters that are likely to arise on a site of this nature, but in any event, would be covered by environmental protection legislation. The means of drainage are specified on the application form, would not be complex for a development of this scale and would be dealt with under the Building Regulations. Permitted development rights should only be removed if there is a clear justification to do so. No such justification has been provided.

*Mark Dakeyne*

INSPECTOR

### **Schedule of 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:  
Location Plan Drawing No: 2200/101/Rev B  
Site Layout Drawing No 2200/150/Rev D  
Ground Floor Plan Plots 2 & 3 Drawing No 2200/250/Rev C  
First Floor Plan Plots 2 & 3 Drawing No 2200/251/Rev B  
Second Floor Plan Plots 2 & 3 Drawing No 2200/252/Rev B  
Floor Plans Plot 1 Drawing No 2200/253/Rev D  
Elevations Plot 1 Drawing No 2200/254/Rev I  
Elevations Plots 2 & 3 Drawing No 2200/255/Rev H  
Site Section with Tynedale Drawing No 2200/256/Rev C  
Landscape Proposals Drawing No 4103/01/Rev C

Oasis Interior Landscaping – The Vertical Garden  
Green Roof Construction Detail.

*Pre-commencement conditions*

- 3)
  - (a) No development or other operations shall take place except in accordance with the tree protection measures identified in the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan revised January 2020 with measures to be implemented in accordance with BS 5837:2012 Trees in relation to Design, Demolition and Construction (Recommendations).
  - (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
  - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
  - (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the local planning authority.
- 4) Prior to the commencement of development, details of the existing ground levels, proposed ground levels and the level of proposed floor slabs shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority. These details shall include:
  - i) Soft landscape planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
  - ii) hard surfacing materials; and,
  - iii) boundary treatments.

*Pre-occupation conditions*

- 6) No development involving the use of any facing, roofing or external surfacing materials shall take place until details of such materials have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Prior to any above ground development taking place, detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds, including house sparrows, and roosting bats, shall be submitted to, and approved in writing by, the local planning authority. The approved features shall be installed prior to the first occupation of any of the development hereby permitted and thereafter retained.

- 8) The windows marked as obscure glazed on the approved floor and elevation plans shall be glazed to a level of obscuration of at least level 4 on the 'Pilkington Scale' (or industry equivalent) and fitted as non-opening prior to the occupation of the dwelling to which they relate. The windows shall be retained with obscure glazing and as non-opening thereafter.
- 9) The balcony screens to the second floor of plots 2 and 3 shall be installed in accordance with the approved elevation plans and The Vertical Garden detail prior to the occupation of the dwelling to which they relate. The said balcony screens shall be retained thereafter.
- 10) The noise mitigation recommended in Section 6 of the Ambient Noise & Building Envelope Assessment by PDA dated 7 January 2020 (Ref: J001749/2970/3/TD) shall be implemented in full prior to the occupation of each dwelling. The noise mitigation shall be maintained thereafter.
- 11) Prior to the occupation of any of the dwellings, the developer shall provide Electric Vehicle Infrastructure to the following specification: A single Mode 3 compliant Electric Vehicle Charging Point for each property. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure. The infrastructure shall be maintained and operational thereafter.
- 12) No dwelling shall be occupied until its access, parking (including cycle parking) and turning areas have been constructed in accordance with the approved plans.

*Other implementation conditions*

- 13) No removal of any vegetation or the demolition of buildings shall take place between 1 March and 31 August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to, and approved in writing by, the local planning authority before any further works within the exclusion zone take place.
- 14) The landscape works approved under condition 5 shall be completed in accordance with the following:-
  - a) All hard landscaping works shall be completed in accordance with the approved plans before the dwelling to which they relate is occupied.
  - b) All soft landscaping works shall be completed in accordance with the approved plans within the first planting season following completion of the development hereby approved, or in accordance with an alternative programme submitted to, and approved in writing by, the local planning authority.
  - c) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
  - d) All new tree plantings shall be positioned in accordance with the

requirements of Table A.1 of BS5837:2012 Trees in relation to Design, Demolition and Construction (Recommendations)

e) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.