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# Appeal Decision

Site Visit made on 2 June 2021

**by A Owen MA BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 June 2021**

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**Appeal Ref: APP/R0660/W/21/3266426**

**Land off Heyes Lane, Alderley Edge SK9 7LN**

- 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 Deanbank Investments Limited against the decision of Cheshire East Council.
  - The application Ref 19/0684M, dated 7 February 2019, was refused by notice dated 16 November 2020.
  - The development proposed is the erection of 6 No. new dwellings.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Deanbank Investments Limited against Cheshire East Council. This application is the subject of a separate Decision.

## Preliminary matter

3. Plan no. 2482 101 Rev E was submitted with the appeal. The appellant has clarified that this plan regularises some inconsistencies between two versions of revision D. I agree that the plan includes no new details and so although neighbours may not have seen this revision, they would not be prejudiced by my acceptance of it. I have therefore considered the proposal on this basis.

## Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and the effect on pedestrian safety.

## Reasons

### *Character and appearance*

5. The site mainly comprises an area of vacant land to the rear of houses on Heyes Lane. The development would be accessed via an unmade road known as Buck Horn Street. Visibility for vehicles turning from this road onto Heyes Lane is limited, particularly by the hedge at No 93. Consequently, the scheme proposes to build out the pavement on this side of the road so as to improve the visibility when exiting this access. As part of this, and to maintain Heyes Lane's 6m width, the pavement on the opposite side of the road would be narrowed. This would involve the removal of some areas of grass verge to the north. These areas are a positive characteristic in the street scene assisting in breaking up a rather wide area of pavement by pulling the verdancy that exists at the junction of The Circuit and Heyes Lane, further down the road into the

more densely built up part of the street. The loss of the grass verge on the opposite side of Heyes Lane would therefore be detrimental to the character and appearance of the area.

6. It is recognised that the Council raised concern with regard to the loss of the grass verge, but from a pedestrian safety perspective, not in respect of its impact on the character and appearance of the area. Nonetheless, this concern was raised by many of the local residents in their representations and at the committee meeting.
7. The Alderley Edge Neighbourhood Plan (AENP) was adopted in May 2021. As a result whilst its policies would have been in draft form at the time of the Council's decision, and officers considered they could only be given limited weight, they can now be given full weight. Policy AE3 sets out a number of criteria that housing development should adhere to. One such criteria is that development should retain and enhance the green character of residential areas by, among other things, retaining grass verges. The proposal would therefore be in direct conflict with this policy.
8. With respect to the character and appearance of the built form locally, the properties along Heyes Lane are mostly terraced dwellings finished in red brick. Between the houses fronting Heyes Lane and the appeal site there is a group of six houses (Nos. 77 to 87), arranged in two terraces of three. Vehicular access to these, and to the rear of the houses further north along Heyes Lane, is from Buck Horn Street. Behind the site in Oakfield Close are more terraced houses of a more modern construction than those on Heyes Lane.
9. The proposed development would comprise six houses; two bungalows with a bedroom in the roofspace, and four two-storey houses also with accommodation in the roof. All properties would be detached. The development would be arranged in two rows of three which would roughly follow the arrangement of the houses at Nos 77 to 87.
10. Although the development would have a fairly high-density, it would reflect the character of its surroundings with most of the houses on Heyes Lane, particularly those at Nos 77 to 87, being tightly packed in with limited plot sizes and garden areas. In addition, the proposed two-storey dwellings would not be particularly high such that they would make the gardens feel unacceptably enclosed, and no more so than the gardens of the existing two-storey houses nearby. Furthermore, many of the houses on the main road have their front gardens dominated by hardstanding for vehicle parking and with little soft landscaping. The development would reflect this characteristic too.
11. The proposal would clearly result in a more formal use of the appeal site than the current vacant use. Yet the openness of the site currently makes little positive contribution to the character of the area. Moreover, although the houses would be visible from beyond the site, from Heyes Lane and from Cranfield Close which is at a lower level, their size, appearance and design is generally in keeping with the design of the neighbouring houses.
12. Overall, although the built development would not be harmful, the loss of the grass verge would cause unacceptable harm to the character and appearance of the area. The proposal therefore would be contrary to policy AE3, as set out above. It would also conflict with policy SD1 of the Cheshire East Local Plan Strategy (CELPs) which seeks to ensure developments contribute positively to

an areas character and identity including in terms of green infrastructure; CELPS policy SE1 which aims to secure a high quality public realm; and AELP Policy AE1 which also aims to ensure development considers local character.

13. There would be no conflict with saved policy DC41 of the Macclesfield Borough Local Plan (MBLP) which generally aims to ensure infill development provides suitable living conditions for existing and future occupiers. Also there would be no conflict with policies AE2 and AE4 of the AELP which both require built development is of an acceptable design, scale, form and type. The housing mix would not exactly match the suggested mix in policy AE2, but the development would include 2 bed, 3 bed and 4 bed houses, including bungalows, so a good range of house types would be provided.

#### *Pedestrian safety*

14. As set out above, to provide sufficient visibility for cars exiting the site access, Heyes Lane would be realigned and the pavement on the opposite side of the road would be narrowed. The resultant pavement would be 2m wide, to which no objection was raised by the Council's Strategic Infrastructure department.
15. The Council's statement of case refers to the narrowing of this pavement as causing harm to pedestrian safety. However I consider that a 2m wide pavement is sufficient to enable all users, including those in wheelchairs or with pushchairs, to safely use the pavement without being endangered by passing traffic. The removal of the grass verges on the section of the pavement north of the junction with Buck Horn Street would have little impact on the useability of the pavement.
16. The Council consider that the use of Buck Horn Street by cyclists, pedestrians and vehicles, including servicing and emergency vehicles, would be unsafe. The appellants state that there is a right of access over the passage between Nos 77 – 81 and Nos 83 - 87 Heyes Lane, and have provided land registry documentation to demonstrate that. Consequently the ability to use this passage, and as it would provide a more direct route to the centre of Alderley Edge, means that it is likely that the majority of pedestrian and cycle movements would utilise this passage and not Buck Horn Street.
17. Notwithstanding that, even if pedestrians did use Buck Horn Street, the appellants estimation that the development would only generate 3 two-way trips in the peak hours, would mean the potential for vehicle/pedestrian conflict would be limited. The Council do not dispute the appellant's figures and I have no substantive reason to doubt them either. As such, this limited increase in traffic movements could be accommodated on Buck Horn Street without an unacceptable impact on highway safety.
18. There are concerns regarding the visibility from the access with the road realigned particularly if there are parked cars on Heyes Lane. However most of the properties on this side of the road have on-site parking and those that don't, largely have the ability to park at the rear of their houses via Buck Horn Street. There was little on-street parking at the time of my lunchtime visit and if there is any increase at peak times, I have no reason it would impede visibility any more so than at present.
19. With regard to emergency and service vehicles, the appellants have provided photographic evidence demonstrating that a waste collection vehicle already

uses Buck Horn Street. The Plans show a turning head in front of the house at plot 6 which the Council consider provides acceptable turning provision for such vehicles.

20. I understand that according to the Council's parking standards the development should provide a minimum of 15 parking spaces<sup>1</sup>. Although the proposal provides only 12, a lower number can be agreed through negotiation with the Council. The Council consider 12 spaces would be sufficient and I have no substantive reason to disagree.
21. Overall the proposal would not harm pedestrian safety. Therefore, it would comply with CELPS policies CO1 and SE1 which encourage car free travel, and saved policy DC6 of the MBLP which aims to ensure that all development secures safe and convenient vehicular and pedestrian access.

### **Other Matters**

22. The development would provide six houses within the built-up part of Alderley Edge. The provision of additional homes to contribute to the Council's supply, and in an accessible location, is a benefit. Moreover, the re-use of this site would represent a visual improvement on its current untidy state and would be supported by chapter 11 of the National Planning Policy Framework. The realignment of Heyes Lane would also provide a safety benefit in widening the currently narrow pavement on the northwest side of the road. In addition there would be a small benefit to the local economy during the construction period and in the longer term from the occupation of the houses. These benefits combine to lend modest weight to the proposal. However I do not consider that they outweigh the harm to the character and appearance of the area.

### **Conclusion**

23. Although the development would not present a risk to pedestrian safety, it would harm the character and appearance of the area. It is considered that the proposal would conflict with the development plan taken as a whole and the material considerations above do not indicate the decision should be made other than in accordance with the development plan.
24. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

*A Owen*

INSPECTOR

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<sup>1</sup> 2 spaces per 2 or 3 bed house, 3 per 4 bed house in Local Service Centres