



Appeal Decision

Site Visit made on 6 July 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/R0660/W/21/3272140

Domek, 48 Towers Road, Poynton, Stockport 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 Michael Sochaczewski against Cheshire East Council.
 - The application Ref 20/5504M, is dated 3 December 2020.
 - The development proposed is the erection of two detached homes.
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Decision

1. The appeal is dismissed and planning permission for the erection of two detached homes is refused.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have refused the application on two grounds. I have had regard to this statement for the residential development of the site in framing the main issues.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the locality
 - the living conditions of neighbouring residents.

Reasons

Character and appearance

4. The site is located with an area of predominantly residential properties lying within Poynton, a settlement designated as a Key Service Centre in the Cheshire East Local Plan Strategy 2010-2030 [2017] (LPS). The mixed age houses in the vicinity are individually designed buildings, predominantly of 1 or 2 storeys, set behind front gardens and within spacious plots.
5. The immediate area of the site has a semi-rural character on account of its edge of settlement position addressing open land to the east. This is reinforced by the informal 'track' appearance of the unadopted roadway in front of the site and the verdant character arising from the mature trees along it.

6. The local arrangement of development is identified as a low-density housing area in the Macclesfield Borough Local Plan [2004] (MBLP). On this part of Towers Road three properties to the south of the site are set below the level of the road behind deep front gardens. A corner house surrounded by gardens and fronting on to South Park Drive lies on lower ground to the north.
7. The land includes a true bungalow also set below the adjacent road level. The building extends across much of the plot width and benefits from large garden areas to the front and rear. The position of the existing building roughly aligns with the properties to the south. The site has a wide landscaped frontage set behind a low-level wall and benefits from a sense of spaciousness arising from the expanse of the open frontage and the modest height of the building.
8. The proposal seeks the subdivision of the site to provide 2 plots commensurate with others. Each plot would accommodate a 2-storey 5-bedroomed dwelling with additional rooms in the larger of the roof spaces. They would incorporate integral garages and be finished in brick, slate and timber with aluminium detailing. Parking areas and gardens would be provided to the frontages with landscaped private amenity spaces to the rear. The design of the buildings would be modern. They would feature full-height projecting gabled bays with large glazed openings and detailed brickwork, timber and aluminium panelling. The buildings would appear as a pair utilising an identical handed design.
9. In contrast to the nearby dwellings, the two storey elements of the units would have both substantial width and depth resulting in buildings of high two storey development being as broad as they would be deep. This would give rise to a significant sense of massing to the individual buildings that is not present in other examples in the immediate vicinity of the site.
10. The sense of scale would be highlighted by the height of the buildings. Although this has been limited by the use of perpendicular main ridges, according to the appellants drawings, these would be some 2.4m above that of the neighbouring 2 storey development fronting Towers Road to the south. Even the stepped-down elements at the site edges would significantly exceed the height of the immediate neighbour at Ismorus House. The scale would be accentuated by the vertical emphasis of the large projecting bays with higher eaves and the significant extent of the roofscapes.
11. The effects in this regard would be exacerbated by the combined arrangement of the buildings and the relatively small gap between the offset side gables of each unit. Although a gap would exist, the depth of the buildings and offset positions would limit views of the space such that the pair would largely appear to form a single mass from most aspects. The short distances to the outer side boundaries would result in the significant width of the plot being substantially filled by high 2 storey development.
12. The angled positions to the frontage and projection forward of the adjacent line of neighbouring houses on Towers Road would present large areas of the consecutive side elevations of the buildings and bays. These would be particularly prominent on approach from the south. In conjunction with the large expanses of the front elevations, the scale and combined massing of the development would appear substantial and dominate the streetscape.
13. I acknowledge that nearby properties on Towers Lane fill large parts of their plot widths. However, they do not have the scale of the proposed buildings.

Furthermore, they are set in an area with greater enclosure by trees such that the perception of their mass, taken either individually or together, is broken up by screening and vegetation. Although some of the visual aspects of the scale of the proposals could be softened by planting of trees within the frontage areas, this would take many years to mature and there is little guarantee that they would achieve that aim for the duration of the development.

14. I note that there are buildings elsewhere in the vicinity with comparable heights and significant massing, However, in the majority of cases observed, this was offset by generous spacing to other nearby development and the site frontages such that any sense of scale was tempered. I do not consider that those examples provide justification for overcoming the harm I have identified; a proposal which I have considered on its own planning merits.
15. For the above reasons, I find that the proposal would lead to an excessively scaled development with disproportionate massing that would contrast with the character of development on this part of the road. It would conflict with Policies SD2 and SE1 of the LPS, Policies HOU8 and HOU11 of the Poynton-with-Worth Neighbourhood Plan 2016-2030 [2019] (NP) and saved Policy H12 of the MBLP as they seek development to reflect the height, scale, massing and character of surrounding development. These aspects of the policies are consistent with the National Planning Policy Framework's (the Framework) aim of achieving well-designed places.

Living conditions

16. The glazed first-floor doors serving bedroom 3 of plot 2 would lie close to the common boundary with 'Edgewater', a residential property fronting South Park Drive. The distance to the boundary would be limited such that, when taken with the higher ground level of the appeal site and elevated position of the opening, views would be afforded over a significant proportion of the private amenity space to the rear of that property. Whilst I acknowledge that some overlooking of amenity spaces might be expected in housing estates, I find the close proximity and extent of direct views over areas previously benefitting from a high degree of privacy, would cause significant harm in the circumstances of the case.
17. As the main outlook from bedroom 3, the imposition of a condition restricting the opacity of the glazing or prevention of opening of the doors to protect neighbouring privacy, would not deliver a high standard of living conditions for the prospective occupier. In the context of the tests for planning conditions set out in Paragraph 55 of the Framework, I find such a restriction would therefore be unreasonable.
18. The position of the dwelling at plot 2 would be in close proximity to the northern boundaries of the site. This would result in some overshadowing of neighbouring garden areas. However, the effects would be limited both in the extent of the area affected at any particular time and the duration for which it would last. Given the generous amenity spaces of the properties affected, I find that the proposal would not cause significant harm to neighbour's living conditions through overshadowing.
19. Whilst I have found in favour of the appellant with regard to overshadowing, this does not outweigh the harm identified in relation to the loss of privacy that would occur to nearby residents. For the above reasons, I find that the

proposal would conflict with saved Policy DC3 of the MBLP as it seeks to prevent injury to the amenities of adjoining residential property, including through loss of privacy.

Other Matters

20. I note the concerns of a neighbouring resident in respect of drainage matters. As details capable of being secured by planning condition to deliver a scheme based on sustainable drainage principles to protect the site and elsewhere from flooding, my decision does not turn on this matter.
21. The proposal for the realignment of a culverted watercourse on the site would be subject to consent under other regulatory regimes. It is therefore a matter of limited weight in my consideration of this appeal.
22. In support of the development the appellant directs me to the fact that the development would be located where it is accessible to services within the town centre, health services and schools. It would give rise to an additional housing unit by recycling previously developed land making a more efficient use of the site. This would contribute to the Council's identified housing need to be met by the redevelopment of windfall sites and it would deliver an economic benefit through employment associated with its construction. Whilst these are benefits of the scheme entitled to some weight, I do not consider that they would outweigh the totality of the harm identified to the character and appearance of the locality or to neighbour's living conditions.

Conclusion

23. I conclude that the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR