



Appeal Decision

Site Visit made on 13 September 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/R0660/W/21/3275402

Plot North of 78 Beech Lane, Macclesfield, Cheshire SK10 2DY

- 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 Simon Dart against the decision of Cheshire East Council.
 - The application Ref 20/3767M, dated 25 August 2020, was refused by notice dated 19 November 2020.
 - The development proposed is proposed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given in the planning application form, appeal form and decision notice all differ slightly. I have used the description from the decision notice which accurately and concisely describes the development proposed.
3. The Council received amended plans prior to the determination of the application. As third parties have had the opportunity to comment on these plans as part of the appeal process, no party has been prejudiced and I have taken them into consideration.
4. In the period since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were invited to comment on any implications for the appeal of this change, and I am therefore satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area including the effect on non-designated heritage assets.

Reasons

6. The appeal site is located along a busy road with a mix of terrace properties, semi-detached and detached houses. To the south of the appeal site along the road the density of housing is greater with blocks of houses being predominant. This contrasts with housing to the north, where properties are predominantly large houses, set back from the footway within more spacious grounds with a greater prevalence of trees and vegetation.

7. No's 81 and 83 Beech Lane (No's 81 and 83), are a pair of semi-detached stone built Victorian dwellings, positioned on the opposite side of the road to the appeal site. These buildings are locally listed and are therefore non-designated heritage assets.
8. The buildings appear in a poor physical condition with the roof having significant defects. Even though proposals to redevelop the buildings have previously been sought and, notwithstanding the appellant's analysis of the structural condition of the buildings, and my own observations, I do not have any substantive evidence that the buildings cannot be viably secured and brought back into use.
9. The properties have distinctive architectural qualities, including quoin detailing, which remain evident despite the condition of the buildings. The architectural detailing of the buildings together as a pair, along with their historic interest, contribute to their significance as non-designated heritage assets.
10. From the public realm, the buildings are best appreciated in more distant views on the approach from the north along Beech Lane. Although planting behind the wall along the footway limits views from close proximity to No's 81 and 83, I am mindful that such planting is not permanent and could change over time. Moreover, despite the planting, the upper portions are visible from the appeal site. The appeal site, and this nearby section of Beech Lane, thus forms part of the setting of these non-designated heritage assets.
11. The proposal would introduce a dwelling with a flat roof design that would not have any direct architectural correlation with any of the other buildings in this part of the street scene. However, the appellant considers that this would ensure that it is viewed as a clear and distinct entity so that it would be a building of its time.
12. In my view, the combination of the flat roof, width of property, large wide entrance to the undercroft parking, angular nature of the front elevation above the stone walling and horizontal emphasis of glazing, would result in a built form that would jar injuriously with other buildings within the street scene.
13. This would be exacerbated by the depth of the building and its largely solid unbroken mass, with few openings, which would have a stark and obtrusive appearance. Even though these views would be most prominent in private views, this nonetheless adds to my concerns.
14. The amount of amenity space incorporating a mix of balconies providing outlook and a larger more useable garden space would not, in my view, appear out of context with the appeal sites transitional position along the street.
15. The height of the building would be set down from No 78 Beech Lane (No 78) and this, and the overall area of the footprint of the building, would not be at odds with the mix of sizes of houses in the street. The use of stone and render is a characteristic feature of buildings and boundary treatments along the road. The planted living wall would add interest to the front elevation and this elevation would have a balanced presentation. However, these elements of the design do not outweigh or overcome my other concerns over the design which, in my view, would appear overly strident, attracting undue attention to the detriment of the setting of No's 81 and 83.

16. Although reference is given to the presence of other modern buildings and design hues taken from other properties elsewhere in the town, no firm details have been provided and they do not form part of the street scene along this part of Beech Lane.
17. No substantive details have been provided regarding the landscaping of the site. However, such matters could be reserved by way of a condition, were I minded to allow the appeal.
18. The appeal scheme is an alternative to a previously permitted dwelling and the Council do not dispute that this is extant. However, despite the appeal scheme's lower height, it would have a wider elevation facing Beech Lane including a wider undercroft and a strikingly different design. Fundamentally, the character and appearance of the proposal would, for the reasons outlined above, unlike the extant permission, be harmful to the character and appearance of this part of Beech Lane and the setting of No's 81 and 83.
19. To conclude, the proposed development would have a harmful effect on the character and appearance of the surrounding area including the setting of non-designated heritage assets. The harmful effect from the development to the heritage significance of the locally listed buildings would be small, due to its location on the opposite side of the road. However, there would still be harm.
20. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining that application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
21. The Framework promotes and supports the development of under-utilised land, in sustainable locations and it also seeks to boost the supply of housing. There is no disagreement that the land can be developed and there is a scheme for its development in place. There would be no additional contribution to the delivery of housing in a sustainable location that could not be derived from the approved scheme.
22. The proposed building would be constructed to modern design standards in accordance with good sustainable building practices. However, the weight that I afford these benefits is limited by the absence of substantive evidence to demonstrate that the design of the appeal proposal would be the only solution to secure these outcomes.
23. In this context, I find on balance that the benefits of the proposal, even taken together, would not outweigh the harmful effect of the proposal on the significance of the locally listed buildings, nor the harm to the character and appearance of the area.
24. Accordingly, the proposal would conflict with the requirements of Policies SD2, SE1, SE2 and SE7 of Cheshire East Local Plan Strategy 2010 - 2030 (2017) and Policy DC41 of the Macclesfield Borough Local Plan (2004). Moreover, the proposal would conflict with the provisions of the Cheshire East Borough Design Guide Supplementary Planning Document (2017). These require, amongst other things, that developments contribute positively to their surroundings character and identity.

25. Regarding this matter, the proposal would also conflict with the requirements of the revised Framework and the National Design Guide (2019) which require, amongst other things, developments to be sympathetic to local character and the surrounding built environment.

Other Matters

26. Concerns regarding the processing of the application and previous applications are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal. In this regard, I have made my own assessment based on the plans and evidence before me.

Conclusion

27. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR