



Appeal Decision

Site visit made on 7 December 2021

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/R0660/W/21/3281402

Land at corner of Moor Lane and Moorfield Drive, Wilmslow, Cheshire, SK9 6DL

- 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 Mr Graham Atkinson against Cheshire East Council.
 - The application Ref: 21/2608M is dated 10 May 2021.
 - The development proposed is the erection of 2 No dwellings (C3) in semi-detached configuration.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 2 No dwellings (C3) in a semi-detached configuration at: Land at corner of Moor Lane and Moorfield Drive, Wilmslow, Cheshire, SK9 6DL, in accordance with the terms of the application, Ref: 21/2608M dated 10 May 2021, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matter

2. As the site address was not included on the application form, I have used the address given on the appeal form to identify the site.

Main Issue

3. 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 one main ground. I have had regard to this statement in framing the main issue which is the effect of the proposed residential development on the character and appearance of the street scene in Moor Lane, Moorfield Drive, and the surrounding area.

Reasons

4. The site lies within the urban area of the 'Key Service Centre' settlement of Wilmslow, and notwithstanding all other considerations the Council says the erection of new dwellings, in principle, would be acceptable, subject to there being no significant adverse impacts.
5. The appeal site was formerly part of the garden of No 1 Moorfield Drive which is located immediately to the south of the site edged red on the submitted plans. Two semi-detached houses are proposed of two main storeys with

further accommodation in the roof space. The site is mainly laid to grass though is largely unkempt, and occupies a prominent corner position at the junction of Moor Lane and Moorfield Drive,

6. The development plan includes the *Cheshire East Local Plan Strategy 2010-2031* (CELPs), 2017, saved policies of the *Macclesfield Borough Local Plan*, adopted 2004 (MBLP), and the *Wilmslow Neighbourhood Plan* (WNP), made in November 2019. The Council has referred to a whole raft of policies across all three plans, but I consider the following to be most directly relevant to the main issue. Amongst other matters CELPS Policy SD2 requires development to contribute positively to an area's character and identity in terms of scale, height, form, grouping, materials, and relationship to neighbouring properties and the street scene. CELPS Policy SE1 says proposals should make a positive contribution by ensuring that design solutions achieve a sense of place. MBLP Policies DC8, DC37, & DC41 and WNP Policy H2 have similar aims. WNP Policy NE6 says development for the subdivision of larger residential plots should not, wherever possible, result in significant loss of garden space in order to protect the contribution made by these garden spaces to overall biodiversity.
7. I have also been referred to the *Cheshire East Design Guide* which says bespoke housing designs are welcome as long as they take account of local context; adding that such designs should be justified, work with the local grain, and be well-detailed.
8. The proposed development is for a pair of houses with two main storeys and accommodation in the roof space. The northernmost dwelling would be accessed from Moor Lane, and the southernmost from Moorfield Drive. The existing driveway along the flank gable of No 1 Moorfield Drive (which is included within the site) is shown as being retained, though it is not clear whether this would be used as parking for the occupiers of No 1 or for those of the proposed dwellings.
9. The street scene in Moor Lane, Moorfield Drive, and surrounding area is wholly residential and has a mixed character and appearance. The immediate area has undergone a significant redevelopment with new housing on the site of Yew Tree Farm and the Rifleman's Arms to the north of the appeal site on the opposite side of Moor Lane. This comprises large two-storey detached dwellings fronting Moor Lane which are generally set further back from the highway than properties on the south side. The new dwellings immediately to the east of the site on Moor Lane are taller, with a third story within the roof space as in the appeal scheme. Moorfield Drive has a more homogenous appearance and comprises two-storey detached dwellings with modest open-plan parking/landscaped areas in front. The area is typically suburban in character, and although spacious and leafy, to my mind it exhibits no strong prevailing character or local distinctiveness.
10. In terms of their design and height/number of storeys the proposed dwellings would not be dissimilar to those immediately to the east and would be finished in similar materials. As such the Council says the design and appearance of the dwellings would be acceptable in the context of the recently erected dwellings to the east and those on Moorfield Drive. Based on my own observations I have no reason to disagree with that assessment.

11. The Council's main area of concern appears to be that the site is too small to accommodate two dwellings and would represent overdevelopment. It considers there is a lack of sufficient and adequate formal private amenity space for each dwelling, and the plot sizes would be smaller than the prevailing density and garden/plot size in the immediate area. In particular it says the private garden of the northernmost dwelling would be compromised by the formation of a driveway and that of the southernmost dwelling by the retention of the apparent retention of tandem parking alongside the flank gable of No 1 Moorfield Drive.
12. However, plot sizes and the amount of private garden space for properties in the immediate area is very variable, and whilst some plots/gardens are more generous, those of the appeal dwellings are comparable to those of the adjacent houses to the east, the townhouses on Rifleman's Close, and the newly built semi-detached houses on New Street. As such, I do not find that the overall density, plot size, and amount of private amenity space would be significantly at odds with that prevailing in the locality. Therefore, it would not conflict with MBLP Policy DC41 which says infill developments should have garden spaces which reflect the typical ratio of garden spaces within curtilages in the area, and the location, size and shapes should be suitable for the intended purpose.
13. The Council says the development would project forward of the building line established by the adjacent dwellings on Moor Lane and the property on the opposite corner of Millfield Drive, thus eroding the existing feeling of spaciousness and open character around the junction. However, I am satisfied that the development would not significantly detract from the spacious appearance of the locality or be at odds with the general pattern and grain of development in the area. Although the northernmost dwelling would project forward of the building line on Moor Lane, it would nonetheless still be set back from the highway behind a small area of garden. Therefore, this variation from the building line would not, in itself, be significantly harmful in terms of the appearance of the street scene, particularly as building lines in the area are by no means strong or consistently uniform.
14. Overall, I conclude on this issue that the proposal would represent an acceptable form of development that would not materially harm the character and appearance of the street scene in Moor Lane, Moorfield Drive, and the surrounding area.

Other Matters

15. The owners of the adjacent property have raised objections concerning the inclusion within the site of a strip of land parallel to the gable end of No 1 Moorfield Drive (which was excluded from the site in a previous outline planning application). Whilst I note the dispute concerning ownership of this land, this is a civil matter, filed with the Courts, that I cannot take into account in my consideration of a planning appeal. I note that correct notice has been served in respect of the requirements of the notice of the planning application taking into account the relevant legislation, and my consideration of this appeal is based on the site shown edged red on the submitted plan (which extends to the gable wall of No 1)

16. I have taken account of other representations concerning the density and layout of the proposed development being out of keeping with the area. Nonetheless, whilst I note these and other concerns, none is sufficient to alter the considerations that have led to my conclusion.

Conclusion

17. Although a finely balanced decision, I am satisfied that the development would not materially harm the character and appearance of the area. I am also satisfied that there would be no unacceptable harm to the living conditions of nearby residents. I also note there are no highway safety objections and there are sufficient spaces within each plot for off-street parking to meet local standards. The provision of two high quality properties in this location gives considerable weight in favour of the proposal. Although it would result in the loss of much of a former garden area, I agree with the Council that this is acceptable subject to appropriate conditions to secure biodiversity gains.
18. The proposal would result in a more efficient use of the site and contribute to the housing supply of the district in an accessible location within the urban area of Wilmslow. It would accord with National Planning policy set out in paragraph 134 of the *National Planning Policy Framework* (the Framework), which says significant weight should be given to development that reflects local design policies and to designs which help raise the standards of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
19. Furthermore, at the heart of the Framework is a presumption in favour of sustainable development which, for decision taking, means approving proposals that would accord with the development plan without delay. Overall, I conclude that the proposal would amount to a sustainable form of development that would satisfy the policies of the development plan when taken as a whole.
20. Therefore, for the reasons given above and taking into account all other matters, I conclude that the appeal should be allowed.

Conditions

21. I have considered the suggested conditions in the light of the advice in the *Planning Practice Guidance* (PPG). In addition to a 3-year time period for the commencement of development a condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning.
22. A condition in relation to the materials to be used in the development is needed in the interests of the appearance of the area. For the same reasons conditions to cover fenestration, rainwater goods and other details are necessary.
23. Several conditions are suggested to remove normal permitted development rights for (i) the enlargement or other alteration to the dwelling; (ii) to control the insertion of windows on the east elevation; (iii) to control any additional accesses to the highway, and (iv) to control means of enclosure such as gates and fences). In this case I consider these justified in order to ensure that the plots are not overdeveloped, in the interests of the appearance of the area, highway safety, and to protect the amenities of nearby residents.

24. The condition requiring the provision and retention of off-street parking spaces is needed having regard to adopted parking standards and highway safety. However, the condition requiring details of secure cycle parking has not been adequately justified in my view given the small scale of the development and I shall not impose it.
25. A condition requiring the installation of electric vehicle charging points is justified to encourage the uptake of ultra-low emission vehicles in accordance with the aims of the Framework.
26. A construction management plan/dust management plan is needed to protect the living conditions of nearby residents, although I favour a simplified wording. However, I am not persuaded that a condition requiring a 'piling management plan' is justified given the small scale of the development. Similarly, I do not consider the condition to prevent the removal of vegetation or the conversion of buildings during the bird nesting season has been fully justified, given that the site is largely free of vegetation and no demolition is proposed.
27. Conditions requiring the submission and implementation of a landscaping scheme are necessary in the interest of the character and appearance of the area. Conditions covering, finished floor levels, site drainage, and the surface and foul water drainage systems are necessary to ensure that the site is properly drained and to reduce the risk of flooding.

Nigel Harrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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: Site Location Plan - drawing no. 2118 EX 100; Proposed Site Plan - drawing no. 2118 PL 200A; and Proposed Plans and Elevations drawing - no. 2118 PL 300.
- 3) No development shall take place until samples of all materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved by the Local Planning Authority in writing. The details shall include material specification, colour, and texture. The development shall be carried out in accordance with the approved details unless any variation is agreed in writing by the local planning authority.
- 4) The rainwater goods to be installed on the development hereby approved shall be black in colour.
- 5) Prior to the installation of any fenestration as part of the development hereby approved, drawings and specifications indicating details of all windows, doors, (including cross sections of glazing bars to a scale of not less than 1:20) shall be submitted to and approved in writing by the Local Planning Authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details.
- 6) Prior to the installation of any porches, canopies, eaves, fascias and verges forming part of the development hereby approved, specification details and sectional drawings shall be submitted to and approved in writing by the Local Planning Authority. The details which are approved shall be carried out in full and shall be retained in accordance with the approved details.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) in respect of extensions and alterations to the dwellinghouses hereby approved shall be carried out without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) in respect of windows shall be constructed at first or second floor level on the eastern elevation of either dwelling of the development hereby approved, without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) in respect of the erection of hard surfaces or creation of additional vehicular accesses onto the highway relating to the dwelling houses hereby approved shall be carried out, without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) in respect of the erection of means of enclosure (gates, fences, walls etc.) in regards to the dwelling houses hereby approved shall be carried out, without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.
- 11) Prior to the first occupation of either dwelling hereby approved the vehicular parking spaces shown on drawing no. 2118 PL 200A- Proposed Site Plan shall be provided. The parking spaces shall be retained for the lifetime of the development, unless otherwise approved by the Local Planning Authority.
- 12) Prior to first occupation of the either dwelling hereby approved, an Electric Vehicle Infrastructure plan shall be submitted to and approved in writing by the Local Planning Authority. The Infrastructure plan shall meet the following specification: A single Mode-3 compliant Electric Vehicle Charging Point per 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. Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge. Where there is insufficient infrastructure, Mode-2 compliant charging may be deemed acceptable subject to the previous being submitted. The approved infrastructure shall be implemented prior to the first occupation of either dwelling, and be retained throughout the use of the development unless otherwise first agreed by the Local Planning Authority.
- 13) No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved in writing by the Local Planning Authority. These arrangements shall be maintained thereafter.
- 14) No development shall take place until a Construction Management Plan including a site-specific Dust Management Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The DMP shall identify the fugitive dust sources at the development site and shall describe in details of the dust mitigation measures to be employed. The construction phase of the development shall be completed in full compliance with the site-specific DMP, and the dust suppression measures shall be maintained and fully operational for the duration of the construction phase of the development. The DMP shall be retained at the development site and made available for inspection upon request. The Construction Management Plan shall be executed in accordance with the approved details.
- 15) Prior to the erection of any walls above ground level a strategy for the incorporation of features to enhance the biodiversity value of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats (any external lighting should avoid direct light spill upon bat roost features), and native species planting. The proposals shall be permanently installed in accordance with approved details on a prior to first occupation of the respective dwelling basis, unless as otherwise first agreed in writing by the Local Planning Authority.
- 16) Prior to the first occupation of either dwelling hereby approved a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, boundary treatments, planting plans, written specifications, schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

- 17) The approved landscaping plan shall be completed in accordance with the following: a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority; b) 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); c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of British Standard BS5837: 2005 Trees in Relation to Construction; Any trees, shrubs or hedges 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.
- 18) Prior to the commencement of the development hereby approved details of the existing ground levels and proposed ground levels and proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The proposed levels shall be implemented in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.
- 19) Prior to the commencement of the development hereby approved a detailed design and associated management and maintenance plan of surface water and foul drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The surface water and foul drainage scheme shall be installed in conformity with the approved details prior to the first occupation/use of each respective dwelling. Any element of surface water drainage system not adopted by a statutory undertaken shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.
- 20) Upon completion of the surface water and foul drainage system, a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the drainage scheme has been carried out in line with the approved details. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approved in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.