



Appeal Decision

Site visit made on 24 November 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/R0660/W/21/3278617

28 Ivy Lane, Macclesfield SK11 8NR

- 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 Ivy Lane (Macclesfield) Limited against the decision of Cheshire East Council.
 - The application Ref 19/5426M, dated 21 November 2019, was refused by notice dated 11 March 2021.
 - The development proposed is extension and internal alterations to the existing building to provide 7 no. supported living apartments with associated parking and facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted several new plans as part of the appeal. The appeal process should not be used to progress alternatives to a scheme that has been refused. However, where amendments are proposed, regard should be had to the 'Wheatcroft' principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity.
3. In this instance, the changes are small and include the reorientation of the kitchen within Flat 3, details of a chamfered window and updated landscaping including the repositioning of the bins. In my view, the amendments would not materially alter the proposed development such that to grant it would result in a development substantially different from that previously consulted upon. As such, I find that there is no prejudice that would justify re-consultation. In these circumstances, I see no material conflict with the Wheatcroft principles. Moreover, occupiers of neighbouring properties that had previously commented on the proposal have had the opportunity to comment on the submissions as part of the appeal. I have therefore taken the amended plans into consideration.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area; and
 - The living conditions of the occupiers of No 87 Sycamore Crescent with particular reference to overlooking.

Reasons

Character and appearance

5. The appeal site is positioned on the corner of Ivy Lane (the Lane) and Sycamore Crescent (the Crescent). The original property has been altered over time and presents a single storey façade to the Lane but is seen as a two-storey building from the Crescent. Properties in the immediate vicinity are varied in style and scale and include both single storey and two-storey dwellings.
6. From the Lane the appeal property is viewed with three other single storey dwellings to the east. It is set back further from the Lane than the other three properties and its scale and three-dimensional form from the south has an unassuming presence. Although there are two-storey properties nearby, including on the south side of the Lane, where it can be seen, the appeal property has a distinctly close relationship to the architectural style and simplicity of the three other single storey dwellings.
7. The proposed dormer would dominate the roof, extending to the height of the proposed ridgeline and to the bottom of the roof slope and onto part of the flat roof area. The overall height, width and depth of the dormer would result in a stark and unduly dominant appearance.
8. The proposed increase in height of the building, although not significant in isolation, would exacerbate the visual effects of the large dormer when viewed from the Lane. The resulting form of development would fail to harmonise with the three other dwellings in the Lane's street scene. I have come to this conclusion having regard to the landscaping scheme proposed which, whilst providing an attractive soft edge to the boundary, would not entirely screen the roofscape.
9. The materials of the dormer, whilst softening its visual effects, would not be sufficient to overcome the harmful effects from its physical massing. Moreover, whilst there are examples of other dormers in the area, they do not form part of this street scene and the coherent relationship between the appeal building and the three other dwellings.
10. Viewed from the Crescent, due to the elongated plot shape and the distance from the appeal dwelling and the nearest dwelling to the north and east, the host building sits as a largely individual building with no particular close relationship to other dwellings in the street scene. In this context the increased height, scale and design in a broader area containing a mix of properties would not appear at odds with the character of the area.
11. Moreover, even if there is a greater massing of built form nearer the Crescent than other houses to the north this would not have a harmful effect on the street scene. I have reached this conclusion due to the separation distance to the other houses, its position near the junction and the positioning of the existing built form in the site, which would still be set back from the boundary along the Crescent.
12. The overall footprint of the building within the plot would not appear as a cramped form of development due to the amount of garden area and space around the building. However, this does not overcome my concerns regarding the proposed alterations when viewed from the Lane.

13. Drawing the above together, I find that the proposal would have a harmful effect on the character and appearance of the surrounding area. I therefore find conflict with the requirements of Policies SE1 and SD2 of the Cheshire East Local Plan Strategy 2010 - 2030 (2017) (CELPS). These require, amongst other things, that developments contribute positively to an area's character and identity.

Living conditions

14. No 87 Sycamore Crescent (No 87) is a two-storey dwelling located to the north east of the appeal building on a higher ground level. Policy DC38 of the Macclesfield Borough Local Plan (LP) establishes guidelines of space between buildings from the centre line of any window.
15. For the purposes of Policy DC38 a habitable room includes both bedrooms and kitchens where the kitchen includes a kitchen diner. Given the open plan nature of Flat 3 the kitchen dining area would comprise a habitable room. In this regard, the distances between the windows would fall short of the standards set out in the policy for facing buildings. However, the policy stipulates that these standards are for guidance and can be varied, amongst other things, depending on the site characteristics.
16. The windows would not face directly towards the windows of No 87 and any view would be angled. Moreover, the nearest window would have a chamfered design, with the angle and opening mechanism restricting views toward No 87. I was able to see during my site visit how the existing vegetation and change in ground level restricts views of the existing gables of the north façade at present. Whilst the situation with the vegetation could change and the proposal introduces a new design, it would, in any case, be designed in a manner that would ensure that there would be no significant overlooking.
17. The proposal would result in a reduction in windows on the first-floor eastern elevation from the existing arrangements. A degree of overlooking of gardens in residential areas, such as this, is not unusual and, given the number of windows and their position, in comparison with the existing arrangement, the proposal would not result in a significant degree of overlooking of garden space.
18. I therefore conclude that the proposal would result in an acceptable effect on the living conditions of the occupiers of No 87, with particular reference to overlooking. As such, I find no conflict with Policy DC38 or Policy DC3 of the LP. These seek, amongst other things, to ensure high standards of living conditions for existing occupants.

Other Matters

19. The appellant is seeking to make an effective use of an existing property, an objective which is encouraged by the National Planning Policy Framework. The site is sustainably located with good access to services and facilities. The proposal would increase the diversity of housing supply, and I have no reason to dispute the demand for supported living accommodation. These are all positive factors in favour of the scheme. However, they do not outweigh the harm that I have identified.
20. The proposal would provide spacious living accommodation for future occupiers. However, the absence of harm in relation to this and other

considerations are neutral matters weighing neither for nor against the proposal.

21. The revised layout for proposed Flat 3, submitted as part of the appeal, would result in less natural light within the living room area of the open plan room. Moreover, several other matters have been raised by third parties. However, as I am dismissing the appeal on other grounds, I have not pursued these matters further.

Conclusion

22. Although I have found that the proposal would have an acceptable effect on the living conditions of the occupiers of No 87, I have found that there would be a harmful effect on the character and appearance of the surrounding area.
23. I have taken account of all the other matters raised, including the benefits of the proposal. However, none changes the balance of these findings and the harm I have identified.
24. 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