The Planning Inspectorate

Appeal Decision

Site visit made on 3 May 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/R0660/W/21/3288566
Land on the North side of 12 Bedells Lane, Wilmslow, SK9 5HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr P E Ratcliffe against the decision of Cheshire East Council.
- The application Ref 21/0640M, dated 5 February 2021, was refused by notice dated 21 October 2021.
- The development proposed is the demolition of two domestic garages and the erection of one detached dwelling with two parking spaces and alterations to existing access.

Decision

1. The appeal is allowed, and outline planning permission is granted for the demolition of two domestic garages and the erection of one detached dwelling with two parking spaces and alterations to existing access at Land on the North side of 12 Bedells Lane, Wilmslow, SK9 5HY in accordance with the terms of the application, Ref 21/0640M, dated 5 February 2021, subject to the conditions set out in Annex A.

Application for costs

2. An application for costs was made by Mr P E Ratcliffe against Cheshire East Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with access, landscaping, layout and scale to be determined at this stage and with appearance reserved for future consideration. I have determined the appeal on this basis, treating the plans that show the floor plans and elevations of the proposed dwelling as illustrative in terms of the design of the building, but not its scale.

4. It is indicated that the site includes a section of land owned by 25 Fulshaw Avenue to the rear of the site and over which a legal agreement provides vehicular access for a number of the properties on this road. However, I can see no reason why an approval of planning permission would negate or supersede any private legal rights relating to land ownership or the use of the land. Accordingly, in this respect, I have made my decision only on the planning merits of the case.

Main Issue

5. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is a long, relatively narrow vacant plot of land with 2 garages located towards the rear. Bedells Lane is a busy road. The surrounding area, although predominantly residential, also contains some commercial uses including a large medical centre on the opposite side of the road.

7. Housing in the area is very varied in terms of age, design, materials, type and scale. To one side of the site is a row of modern 3 storey town houses, to the other are older 2 storey houses including a short terrace of 3 houses, a detached house and semi-detached houses. Immediately opposite is a 4 storey complex of apartments, and other 3 storey apartments are found on the corner with Chapel Lane.

8. The proposed dwelling would be set back from the road, with parking spaces to the front. This reflects the similar layout of other houses along this side of Bedells Lane. Whilst some of the smaller trees along the front boundary would be removed to enable the widening of the existing access, the proposal would retain the mature trees along the front of the site that contribute to the sylvan character of the immediate vicinity.

9. The proposed dwelling would be a similar height to the adjacent town houses. Whilst it would be higher than the 2 storey houses on the other side, the distance maintain to them as a result of the intervening single storey utilities building and access track means the proposal would not dominate them. Moreover, in an area where buildings of differing heights are already located in close proximity to each other, it would not appear out of keeping.

10. The narrow nature of the plot limits the width of the house. However, its width to height ratio would be similar to that of the adjacent town houses. Although these 5 houses form a single block, nonetheless their distinctive feature window that extends over the first and second floor gives them a strong vertical emphasis. It also clearly highlights that the block consists of 5 tall, but narrow, dwellings. As a result, the proportions of the proposed dwelling would not make it appear an incongruous feature in the street scene.

11. Whilst the appearance of the dwelling is not to be determined at this stage, the illustrative plans show that a dwelling that reflects various architectural characteristics of other houses in the area could be designed and accommodated on the site.

12. Overall, I consider that the proposed development would not harm the character and appearance of the area. Accordingly, there would be no conflict with Policies SD2 and SE1 of the *Cheshire East Local Plan Strategy (adopted July 2017)* and Policy H2 of the *Wilmslow Neighbourhood Plan (made November 2019)* which require developments to have a high quality of design that makes a positive contribution to the surroundings and creates and reinforces local distinctiveness and character.

Conclusion and Conditions

13. For the reasons set out above, I conclude the appeal should be allowed.

14. In addition to the standard implementation and reserved matters conditions, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interest of the character and appearance of the area

conditions are necessary to control the landscaping of the site, to ensure the necessary protection for the trees being retained on the site and to control the finished floor and site levels. However, it is not necessary to control the long-term maintenance of what will be a private garden, so I have revised the wording of the landscaping condition as well as the wording of part a) of condition 6 to reflect that the landscaping scheme is to include an implementation programme.

15. Given the sensitive nature of the end use it is necessary to control any soil brought onto the site to ensure that it is not contaminated and to outline measures of how any unexpected contamination would be dealt with. In the interests of nature conservation, conditions are required to protect protected species and to provide enhancements for biodiversity.

16. For reasons of highway safety, it is necessary to ensure the provision of the revised access and the required visibility splays before the dwelling is first occupied. To ensure the satisfactory drainage of the site it is necessary to control details of the drainage systems, although as some of the drainage conditions suggested by the Council repeated requirements in others, I have amended the wording and combined conditions to remove this duplication.

17. At my site visit I was able to confirm the appellants statement that the adjacent utilities building is not a sub-station that emits any significant audible noise. As a result, I am not persuaded that a condition requiring submission of a noise mitigation scheme is necessary. From June this year, the Building Regulations will require the provision of Electric Vehicle Charging Points on new dwellings, so a condition requiring this is not necessary considering this is an outline application which requires the submission of future applications before it can be implemented.

18. Where necessary in the interest of clarity and precision I have made other slight amendments to the wording of the conditions suggested by the Council.

Alison Partington

INSPECTOR

Annex A

Conditions

1) Details of the appearance, (hereinafter called "the reserved matter") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matter shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall take place not later than two years from the date of approval of the reserved matter to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No 001 Rev A; Proposed Site Drawing No SK01 Rev B; and Proposed Floor Plans and Elevations Drawing No SK02, in so far as it related to the scale of the proposal.

5) Prior to the first occupation of the dwelling hereby permitted a scheme for the landscaping of the site shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include details of both retained and proposed hard and soft landscaping, including surfacing, entrance features, boundary treatments, planting plans, written specifications, schedules of plants (noting species, plant sizes, numbers, and densities), and an implementation programme.

6) The approved landscaping scheme 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, and implementation programme.
   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 A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations).
   d) Any trees, shrubs or hedges planted in accordance with this condition 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.

7) Any future reserved matters application shall be supported by a Tree Protection Plan in accordance with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

8) No development shall take place until details of the existing ground spot levels, comparable proposed ground spot levels and the level of proposed floor slabs have been submitted to, and be approved in writing by, the

local planning authority. The development shall be completed in accordance with the approved details.

9) Any soil or soil forming materials to be brought to site for use in the garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site. Prior to the first occupation of the dwelling hereby permitted evidence and verification information (for example, laboratory certificates) for this shall be submitted to, and approved in writing by, the local planning authority.

   If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the local planning authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made, and appropriate remediation implemented in accordance with a scheme also agreed in writing by the local planning authority.

10) No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to, and approved in writing by, the local planning authority before any further works within the exclusion zone takes place.

11) Any future reserved matters application should be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. 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). The proposals shall be permanently installed in accordance with approved details before the dwelling hereby permitted is first occupied.

12) Prior to the first occupation of the dwelling hereby permitted the access that is required for the development shall be constructed in accordance with the approved plans and shall be formed and graded to the specification of the local planning authority, and the required visibility splays shall have been provided, all as agreed in writing by the local planning authority.

13) No development shall take place until a detailed drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The drainage design must include:

   (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) separate provision for foul and surface water; and

(iv) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out in accordance with the approved drainage scheme.

14) Prior to the first occupation of the dwelling hereby permitted, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to, and approved in writing by, the local planning authority. The plan shall include as a minimum:

(i) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by the occupier; and

(ii) arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained, and managed in accordance with the approved plan.