



Appeal Decision

Site visit made on 4 May 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2022

Appeal Ref: APP/R0660/W/21/3288817

Trigfa, School Lane, Bunbury, Tarporley, CW6 9NR

- 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 Gary Hitchmough against the decision of Cheshire East Council.
 - The application Ref 21/0344N, dated 2 February 2021, was refused by notice dated 6 July 2021.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at Trigfa, School Lane, Tarporley, CW6 9NR in accordance with the terms of the application, Ref 21/0344N, dated 2 February 2021, subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Mr Gary Hitchmough against Cheshire East Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area and street scene.

Reasons

4. The appeal site is located on School Lane, a residential street which to some extent forms a visual edge to Bunbury. The street is characterised by the linear development on either side of the road which is somewhat softened by front boundary hedgerows and trees. The dwellings and residential plots within the street are varied in their appearance and scale, and in particular I noted a number of relatively narrow plots. Another common feature within the street scene were the driveways and parking areas set within the frontage of a number of properties. The appeal site itself covers part of Trigfa's garden as well as part of the driveway and its garage.
5. The proposal includes the replacement of the existing garage with a dwelling, the enlargement of the parking area to the front, and the subdivision of the garden at the back. As a result, the plot associated with the proposed dwelling would be noticeably smaller than the existing plot serving the host dwelling. However, it would still be of a scale similar to those of neighbouring dwellings. Furthermore, as the dwelling is set back from the road, akin to its neighbours,

and would retain spaces to the rear and sides of the dwelling, it would not appear cramped within its plot. Therefore, the proposed dwelling would not be disproportionately large in comparison to its plot.

6. From my observations on site, I find that given the mature hedgerows, trees and existing dwellings that there are no existing views through the site of the countryside. However, the spaces between properties does provide a sense of openness. This openness would be somewhat reduced by way of the size and siting of the proposed dwelling, but this would not be to such an extent as to be unacceptable. In particular, I noted other properties which have spacings similar to that which would be retained between the proposed dwelling and the two neighbouring properties. Furthermore, the dwelling itself is fairly typical of a two-storey property and would be similar in scale to other properties within the street scene and surrounding area. I do not find in this case, therefore, that the dwelling would be unacceptably bulky.
7. The proposal would slightly enlarge the area of hardstanding associated with the appeal site. However, this would be largely screened from public views by the existing and proposed hedgerows and would be further softened through additional soft landscaping. Coupled with the fact that parking on the frontage is not uncommon within the surrounding area, I find that it would not be detrimental to the character or appearance street scene. I am mindful of the possibility that the front hedge may be damaged or lost during construction, but its replacement could be ensured by way of a suitably worded condition.
8. In light of the above the proposed dwelling would not, by way of its siting, scale or bulk, harm the character and appearance of the surrounding area or street scene. As such it would comply with Policies SE1, SD1 and SD2 of the Cheshire East Local Plan: Local Plan Strategy 2010-2030 (July 2017) and Policies H2 and H3 of the Bunbury Neighbourhood Plan 2015-2030. These policies collectively, and amongst other matters, require that development is of a high quality design that reflects and positively contributes towards its surroundings and local distinctiveness. The proposal would also comply with the design aims of the National Planning Policy Framework (the Framework), including Paragraphs 130, as well as the guidance contained within the Cheshire East Borough Design Guide Supplementary Planning Document (May 2017) and the Bunbury Village Design Statement (the BVDS, March 2009).
9. In reaching this decision I have been mindful of the age of the BVDS, which is dated March 2009. Although of some age I find those parts of the statement relevant to this case still broadly reflect the aims of the Framework.

Other Matters

10. The proposed parking provision would include three spaces and would therefore likely meet the needs of the proposed dwelling. Moreover, no substantive evidence has been submitted to demonstrate that highway safety on the road is poor. The small scale of the proposal would not significantly affect highway safety and as such I find it would not be unacceptable. I note that the Council's Strategic Transport team found similarly in this regard.
11. The proposal would retain a space between the existing and proposed dwellings and given this, and the orientation of the two dwellings, I find it unlikely that there would be any significant or unacceptable loss of light to Trigfa.

Consequently, I find that the living conditions of the existing and future occupiers would be protected.

12. Although I am mindful of the concerns over the level of detail submitted with the scheme, there is sufficient information and detail available for me to determine this appeal. Although further information would be necessary for such matters as materials and landscaping, this could be achieved through suitably worded conditions.

Conditions

13. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the National Planning Policy Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording.
14. For certainty I have set out the timescale for the commencement of works. A condition is also necessary for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
15. In the interests of the character and appearance of the area, as well as the biodiversity on site, further details would need to be approved by the Council for any proposed external materials and landscaping. Moreover, given the nature and location of the site, a condition limiting the timing of works would be necessary in order to protect nesting birds.
16. To ensure that the proposal would encourage the use of electric vehicles, and to protect air quality, conditions would be necessary ensuring an electric vehicle charging point, and suitable boilers are provided.
17. However, it would be unnecessary for a condition requiring details of the ground and floor levels of the development to be submitted as the site is primarily flat and the proposal does not include changes to the land levels. Moreover, a separate condition for boundary treatments would be unnecessary as this would be covered by the landscaping condition.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: 20-0998 D01 Rev 0, 20-0998 D02 Rev 0, 20-0998 D03 Rev 0, 20-0998 D04 Rev 0, 20 0998 D05 Rev 0, and landscaping plan.
- 3) No vegetation shall be removed, or buildings converted or demolished between 1 March and 31 August in any year, unless a detailed survey has first found them to be clear of nesting birds. Where nests are found in any feature to be affected by development, a 4 metre exclusion zone shall be left around the nest until breeding is complete. The 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 prior to the commencement of any further works within the exclusion zone.
- 4) No development above ground level shall commence until a scheme of landscaping has first been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of all boundary treatments, hard and soft landscaping. The soft landscaping details shall include schedules of plant species, sizes, numbers and densities. The scheme shall also include indications of all existing trees and hedgerows to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees, shrubs or hedges which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development involving the use of any facing or roofing materials shall take place until samples of these materials have first been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 7) No development involving the use of any facing or roofing materials shall take place until a strategy for the incorporation of features to enhance the biodiversity value of the proposed development, including for birds, bats and hedgehogs, has first been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out, and permanently maintained, in accordance with the approved details.
- 8) Prior to the first occupation of the dwelling hereby permitted, an electric vehicle charging point shall be installed in accordance with details that are first submitted to, and approved in writing by, the local planning authority. The charger shall thereafter be maintained throughout the use of the development.
- 9) Prior to the first occupation of the dwelling hereby permitted, the developer shall submit information to confirm that all installed gas-fired boilers are ultra-low NOx emission boilers (those producing less than 40mgNOx/kWh (at 0% O₂)).