



Appeal Decision

Site visit made on 7 June 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2022

Appeal Ref: APP/R0660/W/22/3291095

The Lodge, The Cottage, Toft Road, Knutsford WA16 9SS

- 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 Dr John Stowell against Cheshire East Council.
 - The application Ref 21/4551M, is dated 25 August 2021.
 - The development proposed is the erection of a new residential property within the existing grounds of The Lodge, Toft Road, Knutsford.
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Decision

1. The appeal is dismissed, and planning permission for the 'erection of a new residential property within the existing grounds of The Lodge, Toft Road, Knutsford' is refused.

Procedural Matters

2. The appeal was made following the failure of the Council to give notice of their decision on the application within the statutory period. The Council have confirmed that were they to have issued a decision, they would have refused planning permission. I have been provided with what would have been their reasons for refusal as part of their statement of case, which the appellant has had opportunity to comment upon.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including the Legh Road Conservation Area; and
 - the setting of nearby listed buildings

Reasons

Character and Appearance

4. The appeal site forms part of a spacious garden associated with The Lodge, a Grade II listed building located on the corner of Toft Road and Woodvale Road and just within the Legh Road Conservation Area (CA). The surrounding area is predominately residential in nature consisting of mainly detached dwellings often containing mature trees and hedging along their frontage. The significance of the CA is largely derived from substantial detached dwellings of different architectural styles sat within large plots, and the sylvan character of the residential streets.

5. The Lodge is positioned in close proximity to the pavement on Toft Road, occupying a prominent corner plot location on the periphery of Knutsford. The main garden is located behind the Lodge and its large plot size is a feature of the Georgian development in this part of the CA. Particularly when viewed from Woodvale Road, the appeal site represents an attractive, spacious and open plot which provides important separation between The Lodge and 4 Woodvale Road. This contributes positively to the character and appearance of the area and the CA.
6. The proposal seeks the erection of a two-storey dwelling of contemporary design, including a large expanse of glazing with white rendered finish to the front and rear elevations, as well as a living roof and living walls. Although the proposed dwelling would be located towards the rear of the site and be partially subterranean, with only the first-floor visible above ground level, it would be clearly visible from Woodvale Road, significantly impacting upon the spacious and open character of the site.
7. Despite reductions in its overall footprint, the proposed dwelling would still take up a significant proportion of the overall width of the site. The width of the proposed dwelling, combined with the design of its front elevation, would result in the development appearing a visually dominant feature within the street scene. The prominence of the proposed dwelling would be exacerbated by the new driveway and retaining walls which would further detract from the existing open and sylvan character of the area.
8. The proposal would therefore represent a visually dominant form of development which would erode the open and spacious nature of the appeal site and the contribution it makes to the surrounding area and the CA. As a result, the development would cause harm to the character and appearance of the area, whilst also failing to preserve or enhance the character or appearance of the CA.
9. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving and enhancing the character or appearance of the CA. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a development on a designated heritage asset, great weight should be given to the asset's conservation. Whilst the harm I have identified would be less than substantial, it nevertheless is of considerable importance and weight. Paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal.
10. I acknowledge that there would be benefits to local housing supply and to the local economy through the construction process, however these benefits would be modest due to the small scale of the development. I also acknowledge that the development would be built to modern standards assisting in energy efficiency and would incorporate environmentally sensitive features. This would be a laudable approach and as such is worthy of moderate weight. Taking these points together, I conclude that the benefits of the proposal would not outweigh the harm identified, which carries considerable importance and weight.
11. I conclude that the proposed development would cause harm to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies SE1, SD2 and

SE7 of the Cheshire East Local Plan Strategy (2017) (CELP), saved Policies BE2 and BE13 of the Macclesfield Borough Local Plan (2004) (MBLP), and Policies HE2, HE3, D1 and D2 of the Knutsford Neighbourhood Plan (2019) (KNP). These policies, amongst other matters, seek to ensure that developments make a positive contribution to their surroundings including protecting and enhancing the defining characteristics of conservation areas.

Setting of Listed Buildings

12. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
13. The Lodge is a Grade II listed detached house, which the list description describes as dating from the early 19th century with an 18th century core. The house sits within a large spacious plot, with narrow gardens to the north and west side as well as the large main garden area to the east. The appeal site encompasses a significant part of the existing main garden area. The large open grounds are an important part of the surroundings in which The Lodge is experienced constituting its setting, and therefore contributing positively to its significance.
14. Whilst its use has changed between garden and paddock, the site is understood to have been closely associated with and formed part of the setting of The Lodge since the 19th century. Additionally, the site has remained largely open and its relationship with The Lodge relatively unaltered during this period.
15. The proposal would effectively sub-divide the existing main garden area to the east of The Lodge, which alone would have a significant negative effect on its setting. It would also introduce built development into what historically has been largely open land, impacting upon how The Lodge is experienced and severing the visual link between the site and the listed building.
16. In addition, the proposed driveway and retaining walls leading down towards the subterranean part of the development would represent a dominant feature, further exacerbating the loss of the visual connection between the site and The Lodge. Overall, the proposed development would be harmful to the setting, and therefore significance, of the listed building.
17. To the west of the appeal site is a row of three Grade II listed cottages known as Paradise Green Cottages. These date from the late 18th century and are understood to have once been agricultural workers cottages. The cottages themselves sit within modest plots, however their immediate surroundings are open in nature with the appeal site to their rear and an open agricultural field to the south. The openness of the surrounding area forms part of the historic setting to the cottages and contributes to their significance.
18. The proposed new dwelling would be in close proximity to the rear boundary of the cottages. Although fleeting views of their rear elevations would still be possible from Woodvale Road, the proposed development would detract from the visual experience of the cottages whilst eroding the open and spacious surroundings that they are experienced within. As a consequence, the proposed development would be harmful to the setting of the listed building.

19. Whilst the harm caused to the settings of both The Lodge and Paradise Cottages would be less than substantial, I do not find that this harm would be outweighed by any public benefits of the proposal as outlined above.
20. The proposed development would therefore conflict with Policy SE7 of the CELP, saved Policies BE2 and BE13 of the MBLP and Policy HE2 of the KNP. These policies, amongst other matters, seek to ensure that developments avoid harm to heritage assets, including their setting, and make a positive contribution to the character of the historic and built environment.

Other Matters

21. The Council also referred to a lack of arboricultural information submitted by the appellant, and in particular a failure to demonstrate that the proposed development would not have a negative impact on retained trees. From the submitted site plans and from my own observations on site, it does not appear that the proposal would lead to the direct removal of any significant trees from the site. It is unclear however what measures, if any, would be necessary to ensure the protection of the existing mature trees along the site's boundary. In any event, as I have found against the appellant on the other main issues, and therefore planning permission is to be refused, this matter need not be considered any further in this case.
22. The appellant refers to pre-application discussions with the Council which resulted in alterations being made to the proposed scheme, including a reduction in its scale. Whilst these alterations sought to overcome some of the objections, it remained clear that the Council still had concerns regarding the proposal. In any case, I have reached my decision based on the planning merits of the case before me.
23. Several neighbour consultation responses were received in support of the proposal. These included views that the proposed development would be well designed, enhance the local area, and be environmentally sensitive. However, whilst I have given these comments due consideration, I have found that the proposed development would cause harm to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA, and that the sustainability benefits of the proposal would not outweigh the harm identified. Consequently, these do not weigh in support of the proposal.

Conclusion

24. The proposal would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, which would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

David Jones

INSPECTOR