



Appeal Decision

Site visit made on 25 October 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2022

Appeal Ref: APP/R0660/D/22/3303549

The Weir, 9A Daveylands, Wilmslow, Cheshire, SK9 2AG

- 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 Hussey against the decision of Cheshire East Council.
 - The application Ref 20/2271M, dated 1 June 2020, was refused by notice dated 28 April 2022.
 - The development proposed is the removal of the old stone wall which was located at the front of my property along with the entrance onto my drive from Daveylands, replacement with a wall to 1.87 metres high. Wooden electric gates have been fitted with an intercom system to increase security.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of the development above is taken from the Council's decision notice which summarises the description given in the application. As it provides an accurate, more succinct description of the development, I have used this as the basis for my determination of this appeal.

Reasons

3. The main issues in this appeal are the effect of the proposed development on:-
 - 1) the character and appearance of the area;
 - 2) trees within the appeal site.

Character and appearance

4. The development plan includes policies H2 and TH4 of the Wilmslow Neighbourhood Plan, SD2 and SE1 of the Cheshire East Local Plan Strategy 2010-2030 (CELPS) (2017) which together seek to ensure that proposals contribute positively to their surroundings. The National Planning Policy Framework has a similar objective. In particular, policy TH4 requires that boundary treatments should reflect local characteristics and gates and security devices are not encouraged. The Three Wilmslow Parks SPG provides guidance of a similar nature.
5. The appeal site is located in a residential street on the edge of Wilmslow and within the Wilmslow Park area that comprises mainly large or medium sized detached dwellings or flats in large buildings, of varying ages and styles. The

wider area is characterised by mature landscaping and Daveylands is a leafy street with trees, hedges and a deep grass verge. Opposite the appeal site is the junction with Vardon Drive.

6. The appeal site includes a large detached dwelling that has been extended and remodelled with a large garage block set back from the road behind a grassed area of garden at the front. Those developments were granted permission in 2013 and 2014. The proposed development which is the subject of this appeal has already been carried out and includes the removal of an old stone wall on the front boundary and its replacement with a higher wall of 1.87m (excluding the pillars), together with high timber gates.
7. The appellant's photographs show that the previous front boundary comprised a low stone wall with an evergreen hedge above. That hedge was not subject to any statutory restrictions and its removal did not require planning permission. However, the boundary formed a continuation, albeit the end section, of a long wall and generally taller hedge and tree planting along this side of the road which extends along a lengthy section of Macclesfield Road, continuing along the whole length of Daveylands as far as the driveway to the property at 9B adjacent to the appeal site. Beyond the appeal site, the last two dwellings on this side of the road have hedge planting along their front boundaries. In general, the wall and planting are consistent along the street and interrupted only by driveways and a low red brick wall with hedge above and metal gates. This generally consistent boundary treatment forms a very attractive feature in the street scene, contributing strongly to its sense of place and that of the wider area. On the opposite side of the road, the dwellings on Vardon Drive have more open front boundaries with mostly low planting and there is a long timber fence along the side boundaries of dwellings on that side. However, the proposal would be mostly seen within the immediate context of the wall and hedge boundaries on either side of the appeal site and I disagree with the appellant that surrounding boundary treatments vary greatly.
8. The new boundary comprises a significantly higher wall and does not include any planting. The wall has been constructed in high quality materials of stone pillars, base and capping with rendered cream coloured walls which match the external materials of the dwelling and garage block. When viewed in isolation and only against the backdrop of the property, they are not unattractive and form a cohesive whole with the rest of the property.
9. However, when looking along the street, the leafy character of the predominant boundary treatment is interrupted by the new wall. Despite the drop in ground levels between one side of the site and the other, the height of the boundary and the light colour of the render result in a prominent and stark contrast with the softer appearance of the other front boundaries on this side of the road. I have noted that the materials were considered acceptable when the Council granted permission for the extensions and the garage block but that was for the dwelling itself and not for boundary treatment. I have assessed this proposal in the context of surrounding boundary treatments because even though the surrounding dwelling designs vary considerably and there is a large prominent building of apartments of 3 or four storeys close to the site, there is a consistently strong boundary along most of the street. The new wall is uncharacteristic of the street and does not make a positive contribution when seen in views along Daveylands.

10. Although the timber material of the gates is not inappropriate given the leafy character of the street, the height of the gates, despite their siting at a lower ground level, together with the mostly solid design, does not allow a good level of visual connection between the dwelling and the road. Other than the metal gates referred to earlier which are in any case more open, I saw no other similar gates within the immediate context of the site and they do not enhance the street scene from which dwellings are generally seen more clearly, other than some of the backland dwellings behind larger properties.
11. Whilst a new wall of up to 1m in height could have been erected as permitted development irrespective of its design and materials, the wall as built exceeds that height by 0.87m and its impact is therefore greater.
12. I saw at my visit that the ground level behind the wall is around 1m higher than the land level on the pavement outside the property. The appellant says that the wall is designed to retain the higher ground inside but with reasonable additional height to also provide a safe boundary to the property and privacy, which is home to a young child. However, I saw that the ground level of the grassed area is at least 0.8m below the top of the wall and a wall of this height is not necessary for the retention of the ground behind. As I noted that this part of the garden is accessed by steps and there is a drop onto the drive, it seems to me that it would not provide a safe place for a young child to play in any case. A hedge, either on its own or behind a lower wall, could also provide some security and privacy for the property and I am not persuaded that the development here is the only means of providing that.
13. I conclude then that the proposed development, by reason of its height, design and materials, has resulted in significant harm to the character and appearance of the area and is contrary to the development plan policies referred to above and to the Council's SPG and the Framework.

Trees

14. The Council considers that insufficient information was submitted in regard to trees to adequately assess the impact of the proposal in this regard. Policy SE5 of the CELPS seeks to ensure that developments protect trees unless there are clear convincing reasons for allowing the development and no suitable alternative.
15. As part of the appeal, the appellant has submitted an arboricultural survey and statement in relation to three trees within the front part of the site: a Larch; a Red Oak; and a Silver Birch, the first two of which are covered by a Tree Preservation Order. It concludes that all three trees are in good condition with 'no obvious signs of reduced vitality or impaired stability'. It also asserts that given the passage of time since the works were completed some two and a half years ago, any significant damage to the trees would likely be evident at this stage. I am satisfied that the trees have been properly assessed and that the findings are accurate and confirm the observations I made during my visit.
16. I conclude, therefore, that the development has not resulted in harm to trees within the appeal site and that in this regard, the proposal is acceptable and accords with policy SE5.

Conclusion

17. Notwithstanding my findings in regard to trees, for the reasons given above, my findings in regard to character and appearance are significant and overriding. I conclude that the proposal is contrary to the development plan as a whole and there are no material considerations that would outweigh this. The appeal should be dismissed.

Sarah Colebourne

Inspector