

Appeal Decision

Site visit made on 6 December 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH January 2023

Appeal Ref. APP/R0660/D/22/3309192

Woodcote, 17 Torkington Road, Wilmslow, Cheshire SK9 2AE

- 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 Owen Fitzpatrick against the decision of Cheshire East Council.
 - The application ref. 20/1945M, dated 7 May 2020, was refused by notice dated 26 July 2022.
 - The development proposed is conversion of existing garage to internal floor area with addition of new external double garage and associated works and alterations.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD) was adopted in December 2022. It was at a very advanced stage in its route to adoption when the Council's decision to refuse planning permission was made and the appeal was lodged, yet the parties did not refer to any policies within the draft version of the SADPD. I am satisfied that the SADPD does not depart from the sustainable development and design principles laid out in Policies SD 2 and SE 1 respectively of the Cheshire East Local Plan Strategy 2010-2030 (CELPS), adopted in July 2017.
3. The SADPD has replaced the saved policies of the Macclesfield Borough Local Plan (MBLP). Policy H12 (Low Density Housing Areas) from the MBLP no longer has force but in any event, I am not convinced it was truly applicable to the appeal scheme which does not involve new housing development or a new housing plot as such. Policy H2 (Residential Design) of the Wilmslow Neighbourhood Plan November 2019 is still in force but again this policy seeks to guide schemes for new residential development, rather than more limited proposals for the construction of ancillary outbuildings within the curtilage of an existing dwelling house.

Main issue

4. The main issue is the effect of the proposed detached double garage upon local character and the street scene.
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Reasons

5. Torkington Road is characterised by large, individually designed, detached residential properties, many of which are set within generous wide plots. A number of the dwellings have been erected as modern replacement houses. The appeal property is one such example having been built pursuant to an appeal decision issued in January 2017 under ref. APP/R0660/W/16/3158102.
6. No. 17 is now a detached two and a half storey house which occupies a sizeable plot on the northern side of the road on the outside of a gentle bend. The garden in front of the dwelling, where the new garage would be erected, has an open appearance, lacks built development and, owing to the curvature of the road, is quite visible when approaching from both directions. The house is positioned off centre within the plot, such that there is a notable gap to the common side boundary with no. 15 and a smaller gap to the side boundary with The Mead, no. 19. The open and wide front garden, the side gardens and a variety of planting (still to include a Scots Pine as a replacement for a felled and protected Cypress tree that was growing near the site of the proposed garage) all contribute to the green and spacious character of the area.
7. The new detached garage building would be of brick and tile construction and have a sizeable footprint of about 7.64 m by 6.63 m. It would have a hipped roof which would reach over 5 m high along the short ridge. Dormer windows would be placed in three sides of the roof and serve the upper storey floor space. It would be sited in the front garden at an angle to the side boundary to no. 15 and to the front roadside boundary. It would be 1.75 m away from the former and about 6 m away from the latter at the closest points.
8. I did not observe any other double-storey detached garages or outbuildings in the front gardens of any of the neighbouring properties in the vicinity of the appeal site or indeed along Torkington Road as a whole. Although some of the other properties in the same road do have garages sited forward of the main house (Plots 1 to 11 in Appendix EP1 of the appellant's statement), these tend to be single-storey, integral garages in front-projecting wings or modest single-storey detached garages. Plot 11 (house number 30) is an exception but this property is not close to no. 17 and the garage there is in a two-storey front projecting wing that is connected to and well-integrated with the main house.
9. By contrast, given its location in the front garden in advance of the host dwelling and its size, bulk and height, the proposed double garage would be readily apparent in long views down Torkington Road where it would stand out as a prominent, dominant and somewhat isolated building. The roof, which would reach the height of the main eaves on the host dwelling, and the upper part of the walling would be clearly visible in these views above the roadside boundary features. The rather odd angled siting proposed and the presence of three dormers positioned close to the roof ridge and eaves would bring further unwelcome attention to the building.
10. Observers would also note how the development would effectively eliminate the gap between the side of the house and the boundary with no. 15. Whilst there would still be separation from the house at no. 15, building in this part of the plot and across the widest of the two side gaps in the manner proposed

would inevitably reduce the impression of spaciousness along this section of the road and result in a rather cramped appearance.

11. I consider that the proposed development would be a visually incongruous addition to the front garden and the street scene by failing to have regard to the wider setting of the buildings hereabouts, by significantly detracting from the spacious quality at the front of this dwelling, which makes a positive contribution to the distinctive character of this particular locality and on account of its inappropriate size, height and bulk.
12. A large detached garage could be built to the side of the existing dwelling under permitted development rights but it would be far lower than what is proposed and it would have to be set back in line with the house in a less prominent location. Such an option would be distinctly preferable to the appeal scheme in terms of the local grain of development, the site's wider context and the visual amenity of the street.
13. I find on the main issue that the proposed detached double garage would cause material harm to local character and the street scene. This would run contrary to the aims of CELPS Policies SD 2 and SE 1, especially where they seek to ensure that new development proposals should make a positive contribution to their surroundings and achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. Good design is also a cornerstone of the National Planning Policy Framework.
14. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions. The harm is not outweighed by other considerations, including the appellant's desire to provide alternative secure parking spaces for two vehicles and a home office and see the existing integral garage reverting to additional living accommodation.
15. For the reasons given above and taking into account all other matters raised by all the parties, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR