



Appeal Decision

Site visit made on 6 February 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/R0660/D/22/3309644

The Pines, 22 Leycester Road, Knutsford, WA16 8QR

- 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 Andrew Holmes against the decision of Cheshire East Council.
 - The application Ref 21/5989M, dated 25 November 2021, was refused by notice dated 12 August 2022.
 - The development proposed is alteration and widening of the existing vehicular access to create two separate access points and driveways with entrance gates and fencing.
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Decision

1. The appeal is allowed and planning permission is granted for proposed alteration and widening of the existing vehicular access to create two separate access points and driveways with entrance gates and fencing at The Pines, 22 Leycester Road, Knutsford, WA16 8QR in accordance with the terms of the application, Ref 21/5989M, dated 25 November 2021, subject to the following 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: drg. nos. TR.1; TR.2; 220421JC-01; TCP/4367/Y/100; ARB4367/Y/200; TPP4367/Y/300.
 - 3) The tree protection and special construction measures identified in the Arboricultural Report by ACS Consultants (4367/DR.21) dated May 2021, the Arboricultural Layout Plan (ARB4367/Y/200) and the Tree Protection Plan (TPP4367/Y/300) shall be carried out as approved for the construction of the development as indicated in drg. no. TR.1 and drg. no. TR.2, under Arboricultural supervision in accordance with BS 5867:2012 Trees in relation to design, demolition and construction – recommendations (or in an equivalent British Standard if replaced).

Preliminary Matters

2. The site address is taken from the application form as it corresponds with the Council decision notice and the property identified by a red edge on the location plan within drg. no. TR.2.
3. Cheshire East Local Plan Site Allocations and Development Policies Document (LP-SADP) was adopted in December 2022 after the Council made its decision. The parties have had an opportunity as part of the application and the appeal to comment on the relevant policies of the development plan, including those within the LP-SADP. I proceed to determine the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to whether it would preserve or enhance the significance of Legh Road, Knutsford Conservation Area.

Reasons

5. Legh Road, Knutsford Conservation Area comprises a predominantly residential locality centred around the broad north-south route of Legh Road and is bounded by Toft Road (A50) to the west, Goughs Lane to the south and Chelford Road (A537) to the east with the northern boundary towards the junction of the latter road with Legh Road and Brook Street. The Legh Road, Knutsford Conservation Area Appraisal (CAA), August 2005, sets out its locational characteristics and history. Based on that evidence and my own observations, the significance of the Conservation Area is derived from the presence of a mix of predominantly large Victorian and Edwardian villas interspersed by more modern properties in mostly generous plots within a characteristic verdant setting of mature tree lined roads and grass verges.
6. The appeal site is located on the eastern side of Leycester Road following a bend in the highway as it approaches the junction with Chelford Road. The site currently has an open shared access and driveway which serves No 22 Leycester Road (The Pines) and No 24 Leycester Road (Southmead) beyond. Based on the evidence before me, the properties consist of later infill development than most surrounding, with The Pines sited closest to Leycester Road and both having an atypical perpendicular alignment relative to the highway and significant areas of visible hardstanding used as driveways and parking areas. Nonetheless, the properties remain within relatively spacious plots that are characteristic of the area and the presence of mature trees within the site including those protected by Tree Preservation Order (TPO) along the front boundary, make a positive contribution to the character and significance of the Conservation Area.
7. In contrast, the existing boundary of the property that sits behind the highway grass verge includes long sections of close boarded fencing with concrete posts and taller ornamental hedging behind. The overtly modern appearance of the existing fencing is particularly conspicuous in this location and despite the presence of more varied boundary treatments further along Leycester Road is an incongruous and detrimental feature when viewed against the predominant mix of hedgerows and rustic picket fences in the immediate vicinity.
8. The proposal, amongst other things, would replace the existing front boundary fence with a slightly taller 1.4m high rustic picket fence. In that regard, it is notable that the CAA in seeking improvements to the public realm recommends that timber palisade fences should be retained, or reproduced in facsimile if lost. It follows that the removal of the existing incompatible close boarded fencing and concrete posts, together with its replacement with a more sympathetic timber palisade style fence allowing views through to hedging to be retained, would of itself make a positive contribution to the improvement to the character of the roadside boundary of The Pines.
9. Alongside the replacement of the boundary fence, the proposal also includes a widening of the existing access to form two separate driveways to serve each dwelling. The spacing between the current access and the accesses serving

No 20 Leycester Road (Treyford House) and No 26 Leycester Road (Sandings) respectively to each side are a notable feature of the immediate setting. However, I observed that there are numerous examples of more closely spaced accesses serving individual properties elsewhere in the Conservation Area, including further along Leycester Road, which assimilate appropriately with their surroundings and preserve its character and significance. As such, to my mind, the widening of the existing access to provide a close grouping of two individual accesses to serve each property would reflect an appropriate solution which would not undermine the perception of relatively low-density housing in this location. In doing so, it would also minimise the extent of existing hedging to be removed along the frontage to an extent that its loss would be largely imperceptible when viewed with the verdant surroundings of mature trees and hedging along the frontage of the neighbouring Sandings.

10. The individual accesses would have 1.7m high brick piers with timber gates between, together with resin bonded and permeable asphalt wearing courses respectively to construct the new driveway and ramped access. The driveways would be subdivided by new concrete edges and a hedgerow boundary. Whilst the CAA does encourage the use of tarmacadam driveways, on balance the materials proposed are acceptable as much of the driveways would be screened from public views following the installation of gates. Furthermore, although the CAA encourages the retention of open accesses, its design guidelines in seeking good quality materials acknowledge the potential use of timber entrance gates and brick gate piers as proposed. In that respect, the new gated accesses when taken with the replacement fencing would be a discernible feature when viewed amongst the surroundings of mature trees and established hedging. However, given the presence of a variety of entrance gates along Leycester Road from Treyford House onwards, and taking account of the beneficial removal of an incongruous modern fence and replacement with a rustic picket fence allowing views of retained hedging behind, the proposal would assimilate appropriately with, and therefore would not harm, the character and appearance of the area.
11. In reaching the above findings, I have taken into account that the alterations to and widening of the access, construction of the new driveway and the replacement of the existing boundary fencing would require works within the root protection areas of good quality mature TPO trees (T1 and T2) located to each side of the existing access, and a good quality mature tree (T6) close to the boundary with Sandings, which make a positive contribution to the verdant setting of Leycester Road. However, the Arboricultural Report and accompanying plans demonstrate a suitable construction methodology and protection measures that would preserve the health and longevity of those trees so as to accord with BS5837:2012. This includes some remedial pruning and crown lift of the southern canopy of T2, which I observed may need to be repeated in the future on both T1 and T2 given the extent of their overhangs. However, I am satisfied that the proposal and any such pruning works of overhangs would have little impact on the health, longevity and positive contribution that each of the mature trees offer to the character of the area.
12. As the site is in a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. In that respect and with regard to the National Planning Policy Framework (the Framework) and my previous reasoning, I consider that the development would not harm the local character and distinctiveness, and

therefore, the significance of the heritage asset. It follows that the proposal would preserve the character and appearance of the Leycester Road street scene within the Legh Road, Knutsford Conservation Area.

13. Having regard to the above, I conclude that the development would preserve the character, appearance and significance of the Legh Road, Knutsford Conservation Area. The development is not, therefore, contrary to Policies SD2 and SE7 of the Cheshire East Local Plan Strategy 2010-2030 (July 2017), Policy HER3 of the LP-SADP, Policy BE2 of the Macclesfield Borough Local Plan (January 2004), or Policy HE3 of the Knutsford Neighbourhood Plan (May 2019). The policies when taken together, and amongst other things, seek high quality design which respects and where possible enhances the character and appearance of the area and the significance of heritage assets and local distinctiveness, including the existing townscape, the quality and nature of materials, the established layout and spatial character of building plots. The policies are consistent with the Framework.

Other Matters

14. The proposal would not significantly alter the existing off-street parking provision. In addition, the proposed access arrangements would provide appropriate visibility along Leycester Road with adequate space for vehicles to not obstruct the highway when waiting for gates to open. Furthermore, suitable arrangements can be made with the Council regarding any necessary upgrades to the existing vehicular crossing onto Leycester Road. As such the proposal would not have a detrimental impact on highway or pedestrian safety. The proposed development is also sufficiently distant from neighbouring properties to ensure no harm to the living conditions of their occupiers.
15. The Council's Conservation Officer has referred to a separate planning application at Sandings for a new dwelling and implied a potential cumulative effect if an additional access nearby were to be created as a result. However, the details of that planning application and its current status are not before me and therefore, I necessarily have determined this appeal on its own merits.

Conditions

16. The standard time limit of the permission and plans compliance conditions are imposed in the interest of certainty of the development for which permission is granted. The submitted plans include the proposed materials, therefore, an additional condition in that respect is not necessary. A condition is, however, required to ensure that the development is carried out in accordance with construction methodology and protection measures as set out in the Arboricultural Report – May 2021 and associated plans so as to accord with BS5837:2012. To accord with the Framework, the wording of the conditions has been slightly amended from those suggested by the Council.

Conclusion

17. For the reasons given above and taking all other matters into consideration, I conclude that the proposal would accord with the development plan and the Framework taken as a whole. Accordingly, the appeal should be allowed and planning permission granted subject to the conditions set out.

Gareth Wildgoose

INSPECTOR