



Appeal Decision

Site visit made on 17 January 2023

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/R0660/D/22/3307686

Blue Bell Cottage, 3 Congleton Road North, Church Lawton ST7 3AZ

- 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 Bill Hockey against the decision of Cheshire East Council.
 - The application Ref: 20/2537C, dated 20 June 2020, was refused by notice dated 7 July 2022.
 - The development proposed is a single-storey side extension to form a single garage and office.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council based its decision on drawing numbers 01 - Piled Slab Foundation and Reinforcement Details, 14 - Proposed Layout and 16 - Proposed Extension 144515A-01 - Roof Plans, as listed in the notice of decision. The appellant has advised that revised plans were submitted to the Council on 9 December 2021 and has provided copies of subsequent email correspondence with the Council. However, I note that the revised plans were not published on the Council's planning application website and no comment on those revised plans was available from the Council's Forestry Officer. There is no mention of the revised plans in the Planning Officer's report on the application.
3. In these circumstances I must determine the appeal on the basis of the plans which were refused by the Council. To do otherwise could prejudice the Council and any third parties, including neighbours who would not have been consulted on the revised plans. Any procedural issues in connection with the revised plans would be a matter for resolution between the Council and the appellant, rather than for my determination in this appeal.

Main Issue

4. The main issue in this appeal is the effect of the proposal on protected trees.

Reasons

5. The appeal site includes a detached dormer bungalow set in a narrow plot with a rear garden. It is located in a residential area with direct access from the A34 Congleton Road North.

6. The Council has indicated that the refused proposal would be of acceptable design, in keeping with the character of the area and would not adversely impact upon the amenities of neighbours. I see no reason to disagree having regard to the proposed location, design and external materials for the scheme as determined by the Council.
7. The site has a number of trees which are protected by the Congleton Borough Council (Congleton Road North) Church Lawton Tree Preservation Order 1999. The trees contribute towards the character and appearance and amenity of the area and can be seen from the A34 and neighbouring houses on the opposite side of the road. I am advised by the appellant that seven Beech trees were to be removed in accordance with an appeal decision for the detached dormer bungalow ref: APP/R0660/W/16/3147846, dated 7 September 2016, and that four of the trees still remain and found to be in good health.
8. The proposed extension would be sited around 2.4 metres from the nearest protected Beech tree. It would also be close to two other Beech trees and an oak tree in the rear garden. The garage and office would be constructed at the north-east side of the dormer bungalow where there is an area of raised decking. The land slopes down towards the end of the rear garden at this point. The original plans were revised to accommodate the office space in the roof of the building and to reduce the overall footprint. The proposed extension would mirror the existing dormer bungalow roof design and would be founded upon a raised slab underpinned by piles.
9. Despite the proposed measures to mitigate harm to the nearest trees, including hand digging of the building foundations, the Council's Forestry Officer concluded that the relationship and proximity of the proposed extension to the adjacent protected trees, lack of space for future growth and likely dominance would in their view present the Council with an undefendable position and would likely lead to future requests for felling of the trees.
10. I have considered the appellant's response to these comments in their grounds of appeal. However, I find that there would be significant potential harm to the protected trees in view of the siting and height of the proposed side garage and office and its proximity to the trees. The proposal would therefore conflict with Cheshire East Local Plan Strategy policy SE 5 which seeks to prevent the loss of, or threat to, the continued health and life expectancy of trees which provide a significant contribution to the amenity of the area.

Conclusion

11. I have taken all other matters raised into account, including the lack of objection from the Canal and River Trust. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR