



Appeal Decision

Site visit made on 28 February 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/R0660/W/22/3307163

64 Dickens Lane, Poynton, Stockport SK12 1NT

- 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 Abode Property Development Ltd. against the decision of Cheshire East Council.
 - The application Ref 21/5810M, dated 15 November 2021, was refused by notice dated 12 August 2022.
 - The development proposed is 'Full planning application for the demolition of the existing dwelling and the erection of two detached dwellings and six apartments with associated landscape and access works'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the time of the Council's decision, it has adopted the Cheshire East Site Allocations and Development Policies Document [Dec 2022] (the SADPD). This replaced the Macclesfield Borough Local Plan as referred to in the Council's Decision Notice. The development plan for the locality therefore consists of the Cheshire East Local Plan Strategy 2010-2030 (the CELPS), the SADPD and the Poynton Neighbourhood Plan [2019] (the PNP).
3. Some policies of the then emerging SADPD were referenced in the Decision Notice. The Council have subsequently referred me to those Policies in the adopted plan using their updated references. For the avoidance of doubt the relevant policies of the adopted SADPD are: HOU10 – Backland Development, HOU12 – Amenity and HOU13 – Residential Standards, and I have had regard to them in coming to my decision.

Main Issues

4. The main issues are the effect of the proposals on:
 - the character and appearance of the locality
 - the living conditions of existing and prospective residential occupiers with particular regard to overlooking and loss of privacy.

Reasons

Character and appearance

5. The appeal site lies on the inside of a bend in Dickens Lane, a street of predominantly residential development. The locality is distinct from the straight sections of more regular plots and house types on the approaches. The

buildings in the vicinity vary in their age, scale and architecture. They range from modest bungalows to a significantly extended large Victorian villa. The buildings are generally street facing but with some variation in the depth of their frontages.

6. 64 Dickens Lane is a modest 2-storey dwelling that, like most, is set behind an enclosed front garden benefitting from mature landscaping. In conjunction with the street trees and verges either side of the bend, these add to a spacious and verdant character to the streetscene.
7. The proposed apartment building would appear as 2½ storeys, including accommodation in the roof space. It would present a formal façade to the site's frontage with a feature bay with centred roof gable, pitched-roof dormers and windows with stone surrounds. This would provide architectural interest to the street elevation.
8. However, the larger western elevation would present the full-depth of the building. It would accommodate the main entrance and larger window openings to appear as the principal elevation. In conjunction with its greater visibility along Dickens Lane in the more open aspect across the frontages of the neighbouring buildings to the west, the building would appear unusually oriented to the side boundary of the plot.
9. The overall height would be within the range of those visible in the locality. However, the incorporation of the second floor accommodation would raise the eaves line above those of the predominant 2-storey development. In conjunction with the truncated roof design and linear scale of the facades, particularly when viewed from the west, the building would have a high degree of visual bulk and large sense of massing.
10. Notwithstanding the set back position, which provide some moderation of the building's scale, it would be viewed in conjunction with the modest scale of the adjacent bungalows. Despite the intervening space, this would create a poor relationship between the consecutive buildings and cause the apartment block to visually dominate that aspect of the streetscape. It would stand out against the substantially more modest scale of No62.
11. Although some tree planting is proposed to the western boundary, which could assist in visually breaking up the visual massing, I am not persuaded that this would be sufficient to obscure the stark contrast in the scales of neighbouring development. Other landscaping proposals would provide some assimilation, particularly to the site's frontage. However, in the absence of a high degree of screening or equivalent spacious settings that benefit other large buildings in the locality, there would be little to adequately mitigate the effect of the building's scale.
12. Notwithstanding the mixed character of development in the immediate vicinity, or that the site is not within a protected area, I find the scale and prominent aspect of the proposed apartment building would fail to suitably integrate with the surrounding development. In this regard I note the appellant's contention that the flanking bungalows are, in themselves, incongruous in the locality. However, as recessive elements in the existing streetscene that positively contribute to its sense of spaciousness, their effect is distinct from that of the proposed development.

13. I acknowledge the appellants assertion that the building would be comparable in scale and mass to 66 Dickens Lane. However, the highest part of that building has a comparatively short ridgeline. The eaves are low and although the building footprints might be similar, a significant part of that at No66 consists of single storey development only. Accordingly, it neither appears prominent nor imposing in its setting.
14. I also note the appellant's reference to examples of apartments which have been granted permission in the Council's area. However, there is limited detail of the contexts and settings of those buildings; it is not therefore possible to draw firm comparisons, or otherwise, to the case before me. An apartment block forming part of a larger urban extension elsewhere on Dickens Lane appears to benefit from a more spacious setting. An allocation for high-density housing on Clumber Road would redevelop a site with an existing large-scale building. They would therefore be distinct from the circumstances of the scheme before me.
15. For the above reasons, I find the proposal would not be a positive element in the streetscene. It would conflict with Policies SE1, SD2 and SE4 of the CEPLS, Policy HOU10 of the SADPD and Policies HOU11 and HOU15 of the Poynton Neighbourhood Plan as they seek development to positively contribute and respond to the character and appearance of their locations.

Living conditions

16. The arrangement of the buildings would result in bedroom windows on the 2 lower levels of the apartment block being in rough alignment with the frontage bay of the proposed dwelling on Plot 1. This contains the habitable room windows serving a living room and master bedroom. The intervening distance would be well below the 'Standards for space between buildings' as set out in Policy HOU13 of the SADPD. As a minimum, this seeks a separation of 18m.
17. Notwithstanding a row of 3 proposed trees to the south of the apartments, there would be intervisibility between main habitable rooms. This would result in a standard of privacy below that sought by the policy.
18. In addition, some views would be afforded from the 3 levels of kitchen windows on the south elevation of the apartment block to the bay windows on Plot 2. Although views would be marginally offset, they would result in an unwelcome degree of overlooking and reduced privacy to prospective occupiers of that unit.
19. In relation to the kitchen windows, the appellant refers to the designed arrangement of the internal living space within the apartments. Notwithstanding the open design of the main living spaces or the potential future rearrangement of the internal layout, the relevant kitchen windows would be the only point of outlook in an often well-used area of residential accommodation that should be regarded as a habitable room. Accordingly, I find the arrangement would result in an unacceptable effect on the living conditions of prospective occupiers of Plot 2.
20. The first-floor bedroom windows in the western elevation would address the common boundary with 62 Dickens Lane. The side of the bungalow includes several windows and a door. Although some are obscure glazed, others serve habitable rooms. The plans show the intervening distance to be marginally over

14m. Whilst this would be acceptable for non-habitable rooms it would, again, fail to meet the distance required in Policy HOU13 of the SADPD.

21. I recognise that the presence of a domestic scale boundary treatment would mitigate views from the ground floor apartment units. Additionally, some filtering of views from the first floor would arise from proposed landscaping. However, given the spread of first floor windows, in my view, this would be unlikely to sufficiently mitigate the effects of the close siting and undue overlooking of the neighbouring property at No62.
22. Furthermore, as 2 of the bedrooms are served by only one window it would not be reasonable to require the use of obscure glazing. This would prevent reasonable outlook from a habitable room. Similarly, the effects of overlooking from the windows of the rear first floor bedroom of the apartment block could not be suitably addressed in this manner.
23. For the above reasons, I find the proposal would cause significant harm to the living conditions of neighbouring residents and prospective occupiers of the development through overlooking and either the loss of or a poor standard of privacy. It would thereby conflict with Policies SD2 and SE1 of the CELPS, Policies HOU12 and HOU13 of the SADPD and Policy HOU6 of the PNP. Together these policies seek to provide/protect suitable standards of amenity for residents and prevent adverse effects from overlooking and loss of privacy, including through the provision of suitable spacing between buildings.

Other Matters

24. The site proposal would increase the density of housing on the site to make more effective use of it. It would be located within easy access to services and facilities by a range of sustainable and other transport options. It would deliver additional units of accommodation, including smaller units which would contribute to an improved housing mix in Poynton. These are benefits of the development that reflect local and national policy aims.
25. I note that windfall sites could assist significantly in boosting the delivery of housing across the area without the need for further land releases. Whilst there is no dispute between the main parties as to the acceptability of higher density housing in the locality, this is not without regard to site constraints and other requirements of the development plan.
26. Concerns in relation to effects on wildlife were raised by a third party. In the limited time I was present on site, significant amphibian activity was noted in a pond lying a short distance to the rear of the dwelling. Having regard to the duty under Regulation 9 of the Conservation of Habitats and Species Regulations 2017 and the evidence before me, it is not possible to conclude if the pond incorporates suitable habitat for any protected species. However, consequent to my conclusion below, this is not a determinative matter in the appeal.
27. I note the frustrations expressed by the appellant in relation to the Northern Planning Committee's decision-making and the level of communication from the Council during its consideration of the planning application. It is also asserted that the Council seeks to resist or has an inconsistent approach to proposals for apartments. However, these are not matters for the appeal. As the weight to be attributed to the benefits of the scheme is a matter for the decision-maker,

the appellant's claim that the Council failed to correctly consider them in the balance is not a matter of significant weight in the appeal.

28. I note the numerous other points of concern raised by local residents and the Town Council, however, pursuant to my findings on the main issues, my decision does not turn on those matters.

Planning Balance and Conclusion

29. The proposal would harm the character and appearance of the area. It would cause significant harm to the living conditions of some existing and prospective occupiers. I conclude that the benefits of the scheme, taken individually or cumulatively, would not outweigh the totality of the harm identified. It would not strike an appropriate balance between the efficient use of the site and the aim of creating a mixed, balanced and inclusive communities. It would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR