



Appeal Decision

Site visit made on 2 May 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2023

Appeal Ref: APP/R0660/W/22/3312121

9 Alma Lane, Wilmslow SK9 5EY

- 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 Mrs L Doyle against the decision of Cheshire East Council.
 - The application Ref 21/5882M, dated 18 November 2021, was refused by notice dated 27 September 2022.
 - The development proposed is described as: 'demolition of existing garage and the erection of new dwelling within curtilage of existing dwelling with associated landscaping and car parking provision'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the Cheshire East Site Allocations and Development Policies Document (2022) (SADPD) on 14 December 2022, which was emerging at the time of its decision on the appeal application. I have determined the appeal on the basis of the most up to date current policies.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal proposal relates to the construction of a new dwelling in the rear garden of 9 Alma Lane, a two storey semi-detached dwelling. Whilst properties along Alma Lane are typically two storeys in height, some of the properties here appear to have attic rooms, including the host property, as evidenced by its small gable window. Nonetheless, dormer windows are not a characteristic feature of the streetscene and first floor windows typically sit just below the eaves.
5. Rear gardens along Alma Lane are usually relatively long and narrow. Rear outbuildings are common and typically lower in height than the frontage dwellings. Having a detached garage and store within the sizeable rear garden, I saw that the appeal property was reflective of the general character of the area.
6. Policy HOU10 of the SADPD states that proposals for backland development will only be permitted where, amongst other things, they are equal or subordinate in scale to surrounding buildings, particularly those fronting the highway; and

are sympathetic to the character and appearance of the surrounding area through their form, layout, boundary treatments and other characteristics.

7. The proposed new dwelling would be constructed over a similar footprint to that of the existing garage, which would be demolished. It would, however, be significantly taller. The Council states that the proposed dwelling would measure 8.7 metres to the ridge of the roof. The plans show a relatively high eaves line set well above the first floor windows, in order to accommodate the second floor. The appellant has provided limited evidence with regard to the height of the existing frontage dwelling. Therefore, having regard to my impressions on site, and the evidence that is available to me, I am not convinced that the proposed dwelling would have a height that is equal or less than that of No 9. Indeed, having regard to my above assessment, it is more likely that the proposal would be taller than the existing frontage dwelling.
8. On this basis, the proposed dwelling would not appear subordinate or equal in scale to the existing dwelling. Moreover, occupying most of the width of the plot it would dominate the space to the rear of the host dwelling, in contrast with the low outbuildings that are prevalent to the rear of properties along Alma Lane. The substantial building would consequently appear incongruous in this backland location to the detriment of the character and appearance of the area. Such a tall structure would likely be glimpsed in views between the existing dwellings along Alma Lane, from the turning head of the cul-de-sac of Beech Grove and from neighbouring properties.
9. The appellant has referred to a recent approval of a dwelling to the rear of 17 Alma Lane¹. However, I note that the first floor of the approved dwelling was proposed to be partly located in the roofspace in order to reduce its height. Furthermore, this involved the redevelopment of the site of a commercial landscaping business rather than a garden. Having regard to the above assessment, this is therefore not a comparable scheme to the appeal proposal.
10. The appellant has referred to the redevelopment of the adjacent site. However, my understanding is that this does not have planning permission and therefore this carries limited weight in my decision.
11. For the above reasons I conclude that the proposal would be harmful to the character and appearance of the area. The proposal would conflict with Policy HOU10 of the SADPD, described above. There would also be conflict with Policy SE1 of the Cheshire East Local Plan Strategy (2017) which, in summary and amongst other things, seeks to ensure development proposals provide high quality design that preserves character and appearance. There would also be conflict with the aims of Policy NE16 of the Wilmslow Neighbourhood Plan (2019) which seeks to ensure backland development is carried out sensitively.

Other Matters

12. The processing of the application and the time taken to determination relates to the practical administration of the application rather than to the acceptability of the scheme. Whilst I sympathise with the appellant with regard to the time taken to determine the application, I have nonetheless determined the appeal scheme on its planning merits.

¹ Ref 21/1614M.

13. I acknowledge that the proposal would provide housing for family members currently in rented accommodation, allowing them to own their own home. On this basis, the appellant argues that the proposal would be '*affordable*', however, there is nothing before me to demonstrate that what is proposed would amount to affordable housing². This would therefore not constitute a benefit that would outweigh the harm set out above.

Conclusion

14. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, and with regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

² As defined in the Glossary to the National Planning Policy Framework (the Framework).