



Appeal Decision

Site visit made on 30 November 2023

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 20.12.2023

Appeal Ref: APP/R0660/D/23/3330368

Humbug Cottage, 4 Leycester Road, Knutsford, Cheshire WA16 8QS

- 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 Ms Claire Kerr against the decision of Cheshire East Council.
 - The application Ref: 21/6224M dated 10 December 2021 was refused by notice dated 11 July 2023.
 - The application is for demolition of existing outbuildings/garage and replacement timber frame garden/car port and new driveway brick pillars, gates and boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing outbuildings/garage and replacement timber frame garden/car port and new driveway brick pillars, gates and boundary fence as per application reference 21/6224M submitted on 10 December 2021 subject to the following conditions;
 - i) The development hereby permitted shall be carried out in accordance with the following approved plans; 21-125(HPL)26 Rev A, 21-125(HPL)25, 21-125(HPL)15 Rev A and 21-125(HPL)40 Rev A.
 - ii) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be match those used in the existing building.

Procedural Matter

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in early September 2023 whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.
3. I saw on my site visit that the elements contained within the proposed plans have since been at least started if not fully finished. As such I assess this scheme as retrospective accordingly.

Main Issues

4. The main issue is the effect of the proposal upon the character and appearance of the Legh Road (Knutsford) Conservation Area and the building of townscape merit, Humbug Cottage.

Reasons

5. The appeal property is an attractive brick and thatch vernacular building containing timber framed structures within. It is located in a what I consider is a semi rural fringe area south of Knutsford town centre and is subsequently contained inside the Legh Road (Knutsford) Conservation Area and the local Green Belt. The cottage itself is recognised as a positive building of townscape merit but is not listed.
6. The site is along a dirt track away from the highway with fields behind extending towards the A50 and the building fronts onto a small wooded area bounded by an unpainted low timber fence. Both the gates and the garage building have been erected and it appears common ground between the parties that the demolition of the previous sheds and building of the garage was acceptable.
7. In light of this the main issue before me is concerned with the character and appearance of the gates and their subsequent impact upon the character and appearance of the Conservation Area as well as the significance of the non listed building.
8. In assessing this appeal therefore, I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give 'Special Attention' to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This is reflected in The National Planning Policy Framework (The Framework), which states that 'Great Weight' should be given to the heritage assets' conservation and also illustrates the positive contribution that heritage assets can make to the creation of sustainable and economically viable communities.
9. I saw on my site visit that the gates as they stand abide by the revised plans in that they are fixed upon oak posts and are painted a fairly traditional light green colour. The main issue that the Council raise is due primarily to the gates being perceived as being somewhat urban in appearance due to their form and design.
10. I saw on my site visit, that, although this site appears rural, it is actually within an area of transition between the urban area of Knutsford and its rural fringes. Nearby I saw some very grand properties that exhibit all manner of high quality traditional architectural motifs along Legh Road. As a result, I consider that the area is more semi rural in overall character and reflects the Victorian and early twentieth century affluence of the town leading to something of a loose suburban expansion.
11. In terms of the in situ gates, I consider that they do reflect this semi rural nature and, although they are not farm gates by any stretch, they are traditional in form and high quality in materiality and workmanship. As such I do not consider that they detract from the principal house of Humbug Cottage. Moreover, I consider that they are of a higher quality than many other boundary treatments nearby.
12. In light of this I consider that the scheme does at least preserve the character or appearance of the Conservation Area and as such addresses the Policy requirements contained within the most relevant Policies SD1, SD2, SE1, and SE7 of the Cheshire East Local Plan as well as Policies GEN1, HER3, HER7 and

HOU11 of the Cheshire East Site Allocations and Development Policies Document (SADPD). The scheme is also in conformity with the overriding policy context as contained within the framework.

Conditions

13. I have used the two standard conditions as suggested by the council, but, due to the retrospective nature of much of this scheme I have subsequently omitted the requirement for development to begin no later than three years of this decision notice because the scheme has already been commenced.

Conclusion

14. For the reasons given above, and taking into account of all other matters raised, I allow the appeal subject to the conditions as outlined above.

A Graham

INSPECTOR