



Appeal Decision

Site visit made on 7 November 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2024

Appeal Ref: APP/R0660/W/23/3323536

2A Queen Street, Middlewich CW10 9AR

- 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 John Chapman against the decision of Cheshire East Council.
 - The application Ref 22/4563C, dated 12 November 2022, was refused by notice dated 5 April 2023.
 - The development proposed is 3 Bed Detached Townhouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is disagreement in the appeal documentation regarding the address of the appeal site. I have taken the address in the banner heading above from the application form and the decision notice rather than the appeal form.
3. Both parties agree that the principle of residential development is acceptable on the site which has an outline consent for a single dwelling (21/1606C). From the evidence before me I have no reason to disagree with this.
4. There has recently been a revised National Planning Policy Framework published by Government. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Middlewich Conservation Area.

Reasons

6. The appeal site is located within the Middlewich Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The site is part of the car park for the nearby public house and is adjacent to a terrace of three relatively modern dwellings. It lies in a mixed commercial and residential area,

with a mix of house types and styles. Apart from the adjacent newer dwellings, they are set back from the road behind low walls, or adjacent to the rear of the footway as described in the Cheshire East Borough Design Guide as a design cue for the area. The significance of the CA derives in part from its historic development as a Salt and Engineering town, with St Michaels Church as the focal point.

7. The dwelling would be set back from the road, with a high wall separating it from the remaining area of car park and an area of off road parking to the front.
8. Whilst I accept that the construction of the dwelling is proposed to reuse the Cheshire brick from the previously demolished building on the site, the use of upvc windows, rainwater goods, fascias and eaves are not traditional in the CA. The frontage would include two vehicle parking bays and the entrance to the dwelling which would be hardstanding with no boundary treatment to the rear of the footway. Whilst this is similar to the adjacent dwellings, these are not typical of the general pattern of development in the CA and the appeal proposal would be a further uncharacteristic development for these reasons. As such, it would not preserve or enhance the character or appearance of the CA.
9. I conclude that the proposed 3 bed detached townhouse would not preserve or enhance the character or appearance of the CA. Consequently, the development would not meet the statutory tests set out in the Act and would fail to preserve the significance of the CA. It would conflict with Policies HER3 and GEN1 of the Site Allocations and Development Policies Document and Policies SD2, SE1 and SE7 of the Cheshire East Local Plan Strategy which together amongst other matters seek to ensure that development makes a positive contribution to the surroundings and the character of the historic environment including though the quality and nature of materials. It would also conflict with the guidance in the Cheshire East Design Guide.
10. Given that the proposal relates to only one part of the CA, the harm arising from the proposal to its significance, in terms of the approach in the Framework, would be less than substantial. In these circumstances the Framework advises at paragraph 208 that this harm should be weighed against the public benefits of the proposal.
11. Whilst I accept that the proposal would provide additional living accommodation adding to the area's housing stock and supporting the Government's objective of boosting the supply of homes including on small sites, I am unconvinced that this equates to a public benefit, sufficient to outweigh the harm that I have identified, given that this harm carries great weight. Accordingly, the proposal conflicts with the aims of the Framework in terms of conserving and enhancing the historic environment.

Other Matter

12. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

Conclusion

13. The development fails to meet the expectations of the Act and the Framework in respect of the historic environment, and conflicts with the policies of the development plan as a whole and there are no other considerations that outweigh this conflict. I therefore conclude that the appeal is dismissed.

H Senior

INSPECTOR