



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/D/23/3329410

22 Styal Road, Wilmslow SK9 4AG

- 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 Steven Franklin against the decision of Cheshire East Council.
 - The application Ref 22/4326M, dated 3 November 2022, was refused by notice dated 21 June 2023.
 - The development proposed is erection of new electric gate within the boundary wall (facing Styal Road) of 22 Styal Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The electric gate was erected prior to my visit. I have determined the appeal on that basis.
3. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. It however does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area including the setting of the Bollin Hill Conservation Area (the CA), and
 - highway safety.

Reasons

Character and appearance

5. The appeal site is a detached dwelling, set back from the road in an established residential area. There is a mixture of types and styles of dwellings although they are set back from the road behind a variety of boundary treatments, including low walls, hedges and some open frontages. The appeal proposal is a solid electric gate and associated fencing to the entrance of the property on Styal Road.
6. 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. Bollin Hill CA is characterised by detached dwellings set back from the road. Although outside

the CA, the appeal site is within the setting of it with the boundary being on the opposite side of Styal Road.

7. There are a variety of boundary treatments in the area, although the majority of dwellings have low walls or hedges with open driveways which the appellant also advises was the case at the appeal site, despite being in a poor state of repair. I have had examples of solid gates in the local area have been brought to my attention however, where gates have been installed in the vicinity of the appeal site, most are open metal gates which maintain the open character of the area and allow views through them or are set back from the edge of the highway.
8. I recognise the brick pillars match the brickwork of the host dwelling and it is constructed of high-quality materials. However, the solid design, height and position of the gate have created a prominent and intrusive feature in the street scene, as opposed an elegant or in keeping one. It therefore does not reflect the traditional boundary treatments in the area that I largely observed during my site visit and consequently fails to preserve or enhance the setting of the CA.
9. I note that a similar gate could be constructed to a height of 1m without the need for planning permission. Be that as it may, a 1m gate would have less of an impact on the street scene. Accordingly, I am not persuaded that a potential fallback position justifies the proposal before me.
10. I conclude that the proposal harms the character and appearance of the surrounding area including the setting of the Bollin Hill CA. It therefore conflicts with Policies MP1, SD1, SD2, SE1, SE4 and SE7 of the Cheshire East Local Plan Strategy 2017 (the LP), Policies GEN1, ENV5, HER3 and HOU11 of the Site Allocations and Development Plan Document 2022 (the DPD) and Policies TH1, TH3 and H2 of the Wilmslow Neighbourhood Plan which together amongst other matters seek to ensure that development makes a positive contribution to the surroundings and does not cause harm to designated heritage assets. It also conflicts with the aims of the Framework.
11. In terms of the Framework the harm caused to its significance is less than substantial. The approach in paragraph 208 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case I acknowledge that the gate gives privacy, safety, convenience and security for the occupiers and am sympathetic to these needs however, they do not outweigh the harm I have found. Accordingly, the development conflicts with the aims of the Framework to conserve and enhance the historic environment.

Highway Safety

12. The appeal site is close the junction of Styal Road, Lacey Green and Cliff Road and almost opposite the junction with Bollin Hill. There is a controlled pedestrian crossing close to the site. These factors mean that users of the highway need to have particular regard to the road conditions in the area.
13. The gate has been positioned immediately to the rear of the footway. This means that when a vehicle stops to access the property, it will be obstructing

both the footpath and highway. This could potentially affect the safety of both vehicles and pedestrian users of the highway.

14. Whilst I accept that the gate is electronic and could be opened prior to arrival at the site, this may not always be the case, particularly for visitors. Irrespective of the type of gate, the harm arises from its position because it is not set-back to accommodate a vehicle. Whilst I appreciate there are other examples of gates in the vicinity, the layout of the highway is different, and I have little evidence as to whether these have the benefit of planning permission. In any event, examples of potentially substandard historic accesses do not persuade me that it is appropriate to grant planning permission.
15. I conclude that the proposal harms highway safety. It therefore conflicts with Policies MP1, SD1, SD2 and SE1 of the LP and Policies INF3 and HOUS11 of the DPD which together amongst other matters seek to ensure that development provides safe access to the site for all highway users.

Other Matter

16. I note that the appellant is willing to discuss amendments to the scheme with the Council. This is a matter to be discussed with the Council as I can only take account of the proposal before me.

Conclusion

17. 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