



Appeal Decision

Site visit made on 23 January 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/R0660/W/23/3328331

114 Gravel Lane, WILMSLOW, SK9 6LZ

- 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 Michael Regan against the decision of Cheshire East Council.
 - The application Ref 23/0576M, dated 13 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is demolition of existing dwelling and erection of 2 no. dwellings and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision, a revised version of the National Planning Policy Framework (the Framework) has been published. It applies from the date of publication, so I have assessed the appeal proposal in light of the updated national guidance. Both parties have had the opportunity to comment on any implications which the new policy position might have for their case.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - the effect on the living conditions of occupiers of the neighbouring property at 6 Halstone Avenue, with regard to privacy.

Reasons

Character and appearance

4. The appeal site is located on a corner plot in a residential area, which is characterised by a mix of dwelling types, styles and ages. The site is occupied by a bungalow, but the majority of houses along this part of Gravel Lane are 1.5 or 2 storey detached and semi-detached houses. The houses are generally set back from the road, and many have landscaped front gardens, which contribute to a green and spacious quality to the surrounding area.
5. Many of the properties on the western side of Gravel Lane appear to have been recently constructed or significantly altered, and a number of plots have been subdivided. This trend has resulted in a higher density of development here,

with properties increasingly occupying most of the plot widths. However, like many of the older properties and traditional pairs of semi-detached houses nearby, the existing bungalow on the appeal site has space around it on all sides, with a reasonable gap between it and the adjacent property at 116 Gravel Lane.

6. The proposed houses would be sited further forward on the plot than the existing bungalow, but would still be set well back from the street, and would follow the front building line of the adjacent properties. Space at the front of the plot would provide opportunities for landscaping, which could help to soften the development. Even so, the replacement of the existing bungalow with two houses, which would occupy a greater proportion of the plot width, would result in the site appearing much more built up than is currently the case. The effect would be particularly pronounced when viewed in the context of the adjacent houses at 116 and 116A Gravel Lane.
7. The siting of the appeal site on the corner of Gravel Lane and Shenhurst Close means that space would be retained on the northern side of the site, between Unit B and the pair of semi-detached houses at 110-108 Gravel Lane. Nonetheless, the proposal would result in a row of four detached houses along the section of Gravel Lane between Halstone Avenue and Shenhurst Close which would appear very closely spaced, on plots which would be fairly small compared with those in the immediately surrounding area.
8. The proposed houses would be slightly higher than the 1.5 storey properties at 116 and 116A Gravel Lane, exacerbated by a slight difference in ground levels. Two storey developments are common in this area, but the combination of the building height and mass, and the minimal spacing between the houses, would contribute to the impression of an overly dense form of development that failed to reflect the character of the surrounding area. In this respect, the proposal would fail to comply with guidance on the massing of residential development contained in paragraph ii/60 of the Cheshire East Borough Design Guide (volume 2, 2017).
9. Owing to its scale and short frontage along Shenhurst Close, the existing bungalow at the appeal site does not form a prominent feature from this side street, and its low form contributes to the impression of space and openness on this side of the Close. In contrast, the proposed development would result in a long, flat, full height elevation fronting onto Shenhurst Close, with little in the design to visually break up the impression of built form.
10. The side elevation of Unit B would be slightly set back from the road, and the existing well-maintained trees and shrubs along the verge would provide some screening and help give visual relief. Even so, when viewed from Shenhurst Close, Unit B would be far more obvious than the existing bungalow. The new house would be sited closer to the street than the side elevation of the facing property at 110 Gravel Lane, and owing to the extent of built form, would harmfully erode the open character that currently exists in this location.
11. Given the variation in the appearance and roof forms of properties in the area, the external appearance of the proposed houses, including the shallow roof form, would not appear particularly incongruous or out of place in this area. The houses would meet the nationally described space standards, and there would be sufficient outdoor amenity space, as well as areas for parking and bin storage. However, these factors would not be sufficient to outweigh the harm

to the character and appearance of the area which would be caused by the scale and massing of the proposed houses.

12. The appellant has referred to a number of similar developments in the surrounding area which have been granted planning permission¹, either by the Council or at appeal. These examples indicate that the form of development proposed, in which an existing residential plot is subdivided and used more intensively, can be acceptable in an urban area such as this. However, every scheme must be considered in terms of its own specific context, and whilst there may be parallels, all of the examples referred to are different from the particular situation which exists in the appeal before me. I have based my findings on an assessment of the appeal site and its surrounding area, and the other examples referred to do not alter my view.
13. I conclude that, owing to their scale, massing and siting, the proposed development would cause harm to the character and appearance of the area. The development would fail to contribute positively to its surroundings and the character of the area, so would not meet the requirements of Policies SE1 and SD2 of the Cheshire East Local Plan Strategy 2017 (CELPS). As the proposal would not establish or maintain a strong sense of quality and place, there would also be conflict with Policy GEN1 of the Site Allocations and Development Policies Document (SADPD).
14. In addition, the proposal would not meet the requirements of Policy H2 of the Wilmslow Neighbourhood Plan, which requires that new residential development should deliver high quality design, of a scale, mass and density commensurate with the surrounding townscape. There would be further conflict with Framework paragraph 135c), which requires that developments are sympathetic to local character.
15. It is unclear whether the proposed development would meet the requirement set out in SADPD Policy HOU13 that each building should normally be set back at least 1 metre from the side boundary. However, even if it did, Policy HOU13 is concerned primarily with ensuring satisfactory living conditions, rather than design considerations, so is of limited relevance to this first main issue.

Living conditions

16. The rear elevation of the proposed houses would face towards the back garden of 6 Halstone Avenue (No. 6), which is sited at right angles to the appeal site. Overlooking is not uncommon in suburban areas, and when I visited the area I saw that the front garden of No. 6 is directly overlooked by the rear windows of 116A Gravel Lane. However, the front garden area is likely to be less sensitive than the back garden in terms of its use. The existing rear garden of No. 6 currently feels very private and enclosed, with minimal scope for overlooking from neighbouring properties.
17. This would change as a result of the proposed development. In total, the proposed houses would have four bedroom windows in the first floor rear elevations, all of which would look directly towards the rear garden area of No. 6.

¹ 1, 6 and 68 Moss Road, Alderley Edge; 115A Knutsford Road, Wilmslow; 45 Linley Rd, Alsager; 30 Goughs Lane, Knutsford; corner of Moor Land and Moorfield Dr, Wilmslow; 81 Knutsford Road Wilmslow; 12 Bollin Hill, Wilmslow; 4 Stockton Rd, Wilmslow and 19 Edgeway, Wilmslow.

18. There is no specific policy guidance setting out recommended distances between rear building lines and neighbouring gardens, and compared with the existing bungalow, the new houses would be slightly further from the shared boundary with No. 6. Nonetheless, the rear gardens of the new houses would be quite shallow, with a depth of approximately 11 and 11.6m for Unit A and Unit B respectively.
19. The relative orientation of the appeal site and No. 6 would mean that new houses would extend for most of the length of the rear garden of that neighbouring property. Existing boundary landscaping and fencing would provide some screening, but this would only be partial, and most of the rear garden of No. 6 would be directly overlooked from bedroom windows across the short gardens of Units A and B.
20. The design of the proposed houses does not include balconies, and the rear windows would be of standard size. Even so, by introducing so many windows across the full length of the private amenity space of No. 6, the effect would be unneighbourly. The impact would be particularly pronounced given the location of the patio at No. 6, likely to be a well-used part of the garden, adjacent to the shared boundary with the appeal site.
21. The appeal proposal would introduce the potential for direct overlooking from the proposed two houses into a space where currently there is none. The change would detract from ability of the occupiers of No. 6 to enjoy their rear garden space.
22. The appellant has referred to a scheme in Adlington Road, Wilmslow, involving the demolition of a dwelling and replacement with 5 houses, in which two of the houses faced the neighbouring garden across shorter distances than proposed here. The example at Hill Top Avenue, Wilmslow, also shows a similar relationship with the neighbouring property to the appeal before me. Both examples were considered acceptable, but they involved different sites, with a different context from the case before me. Based on my assessment of the scheme and observations on site, I have found the appeal proposal to be unacceptable for the reasons set out. The other examples referred to do not provide a reason to allow the appeal.
23. I conclude that the proposal would fail to provide satisfactory living conditions for the occupiers of 6 Halstone Avenue, having particular regard to privacy. The scheme would fail to comply with CELPS Policy SE1 part 4.i, and SADPD Policy HOU12, which seek to ensure an appropriate level of privacy for existing residential properties. For similar reasons, there would be conflict with Framework paragraph 135f), which requires a high standard of amenity for existing users.

Other Matters

24. The proposed houses would be located within an existing urban area, with reasonable access to local shops and facilities, and a variety of transport options close by. The development would contribute to the supply of houses in the local area, although the net addition of one unit would make very little difference to the overall supply.
25. The appellant has asserted that the homes would be self-build properties, a form of development which is supported by national planning policy. The

provision of self-build housing could contribute towards the Council's duty to grant permissions to meet local demand for this type of property. In this case, however, there is no mechanism in place to ensure that the properties would be occupied by the appellant and their family, rather than being sold on or rented out. As such, there is uncertainty as to whether the properties would meet the requirements for self-build and custom housing. I have given limited weight to the suggestion that the houses would be self-build, but even if they were, this would not be sufficient to outweigh the harms I have identified.

26. The existing property could be extended under permitted development rights (PD), and the appellant has provided a plan showing how the bungalow could be turned into a two-storey house through the addition of an upward extension. Assuming the rights could be applied as suggested, the PD alternative shows a much more substantial property on the site than is currently the case, with a greater mass and footprint.
27. Even so, the suggested PD alternative would be a single dwelling, not two houses. Even with the side additions shown, the overall bulk and mass of built form on the plot would be less than proposed in the appeal scheme. Importantly, there would be a greater impression of space around the building, particularly at first floor level. The impact on the streetscene would be different to, but no more harmful than, the appeal proposal. The suggested PD fall-back position does not, therefore, provide a reason to allow the appeal.

Conclusion

28. For the reasons set out above, the scheme would cause harm to the character and appearance of the area and the living conditions of the occupiers of No. 6. The proposal would conflict with the development plan and the Framework, and there are no other considerations which would outweigh this finding. The appeal is therefore dismissed.

R Morgan

INSPECTOR