



Appeal Decision

Site visit made on 19 June 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Appeal Ref: APP/R0660/W/23/3336116

East Lodge, Wilmslow Park North, Wilmslow SK9 2BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Paul Clive against Cheshire East Council.
 - The application Ref is 23/3360M.
 - The development proposed is for the change of use of garage/outbuilding to dwelling including external alterations/extensions.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. The appeal is against the Council's failure to give notice of its decision within the prescribed period. The Council's case and its putative reason for refusal are set out in the delegated report submitted with the appeal questionnaire.
3. Planning permission has previously been granted for the change of use of the building to a dwelling, together with extensions and alterations. It was clear from my site visit that the works are well advanced, but do not accord with the approved plans. I have determined the appeal based on the latest revised drawings that were before the Council at the time of the planning application.
4. The appellant submitted a heritage report after the timetable for the appeal had expired. This late evidence was not accepted before I was appointed to determine the appeal. The appellant did, however, have the opportunity to address heritage matters as part of their final comments and I have taken the comments received into account.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the effect on a non-designated heritage asset.

Reasons

6. The appeal site relates to a detached outbuilding immediately adjacent to East Lodge. It occupies a prominent corner position close to the junction of Adlington Road and Wilmslow Park North. The outbuilding was constructed in the 1980s and was originally designed to be ancillary to East Lodge. It is now being developed as a separate dwelling and the two plots have been subdivided by means of a new wall. A public footpath running along the northern boundary of the site provides a link between Adlington Road and Wilmslow Park North.

7. The area surrounding the appeal site is of established residential character and features detached properties of varying sizes and styles, set within large gardens bounded by hedges, walls or fences. The mature trees within the gardens of properties results in a pleasant, sylvan character.
8. East Lodge is a late Victorian entrance lodge and is the counterpart of South Lodge, which is situated at the entrance to Wilmslow Park South. East Lodge is render finished with a slate roof above. It is characterised by steep roof pitches, gable ends, dormer windows and a prominent chimney stack. The building has had modern alterations, together with single storey extensions to the front and rear, which have altered its appearance, particularly at ground floor level. Nevertheless, the building retains some original features, including its distinctive roof form. The Council's identification of East Lodge as a non-designated heritage asset has been disputed by the appellant.
9. The architectural language of the building and its prominent siting at the road junction, with the associated stone boundary walls and gate pillars either side of Wilmslow Park North, attest to its original function as an entrance lodge to the late nineteenth century Wilmslow Park development. The setting of the building has changed over time due to the development that has taken place in the area. However, it is still clearly legible as a former entrance lodge and, as evidence of the development of the area, is of some historic interest. The building's significance therefore stems from its character and its setting and historic relationship to Wilmslow Park. Although not recorded on the Historic Environment Record or in a local list, the building is of sufficient heritage significance to warrant being considered as a non-designated heritage asset.
10. Policy HER7 of the Site Allocations and Development Policies Document (2022) (SADPD) sets out that, when considering the direct or indirect effects of a development proposal on a non-designated heritage asset (including locally listed buildings), a balanced judgement will be required, having regard to the significance of the heritage asset and the scale of any loss or harm. This reflects paragraph 209 of the National Planning Policy Framework (Framework).
11. The proposed development is a revision of a previously approved scheme for the change of use of the building to a dwelling, together with alterations and extensions to facilitate its conversion. A number of changes have been made to the scheme, which include a continuous ridge line between the existing building and the extension, raised eaves level and redesigned dormer windows.
12. With the exception of the dormers, the fenestration of the building is broadly similar to the previously approved scheme and is sympathetic to the area. Although I note the Council's concerns over the proposed dormers, they are small, inconspicuous features of the building which broadly reflect the dormer windows at East Lodge. Consequently, these do not detract from the character and appearance of the building or the street scene.
13. While the main ridge height of the building has been retained, the alteration to its roof profile is significant. The original outbuilding had a steep pitched roof which reflected the character of the adjacent lodge, and the low eaves height ensured a subordinate relationship to the lodge. The proposed development features a shallow pitched roof and high eaves level which have a jarring effect when viewed alongside the steep pitched roof of the lodge. The increased scale and massing of the development and its altered roof design fail to maintain a subordinate relationship with the lodge, but instead dominate it.

14. That effect is exacerbated by the slight increase in ridge height of the extension and the position of the outbuilding on higher ground than the lodge. As a result, the proposed development undermines the setting of the lodge and appears incongruous in the street scene.
15. For the above reasons, I conclude that the proposal is significantly harmful to the character and appearance of the area, including the significance of the non-designated heritage asset. Consequently, the proposal is contrary to Policies SE1, SE7 and SD2 of the Cheshire East Local Plan Strategy 2010-2030, Policies HER1, HER7 and HOU11 of the SADPD, Policy H2 of the Wilmslow Neighbourhood Plan, and the Framework. Amongst other things, these policies seek to ensure that development is of high-quality design which makes a positive contribution to its surroundings and avoids harm to heritage assets.

Other Matters

16. The appellant refers to a potential fallback position whereby the roof of the building, as previously approved, could be raised without the need for planning permission. I have not been provided with any substantive details of the fallback position or a certificate of lawful use or development to demonstrate that such works would be lawful. Therefore, the suggested fallback position does not provide justification for the appeal proposal.
17. I note that there were no objections from neighbouring residents or the Town Council. However, I have found the proposal to be harmful and the absence of third-party objections is not a determinative matter in favour of the proposal.
18. While I sympathise with the appellant and their frustration in respect of the planning application process, this is not a matter for me to consider as part of this appeal, which I have considered solely on its planning merits.

Planning Balance and Conclusion

19. The proposal provides a new dwelling in a sustainable location. Potential economic benefits would arise from the employment opportunities while the works are carried out and the contribution that future occupants would make to the local economy. However, the appeal proposal is not the only means of developing the site and these benefits would also accrue from the extant planning permission. Therefore, only limited weight is attributable to the benefits and it is outweighed by my findings as to the harm that would be caused and the conflict with the policies I have referred to.
20. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I therefore conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR