



Appeal Decision

Site visit made on 31 July 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/R0660/W/24/3340539

Land at 50 and 50a Bexton Road, Knutsford, Cheshire

- 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 Scott Ryder against Cheshire East Council.
 - The application Ref is 23/2681M.
 - The development proposed is for the demolition of two homes and the development of six residential dwellings (three 3-bed terraced townhouses and three 4 bed detached dwellings) including associated access, servicing and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of two homes and the development of six residential dwellings (three 3-bed terraced townhouses and three 4 bed detached dwellings) including associated access, servicing and landscaping at Land at 50 and 50a Bexton Road, Knutsford, Cheshire in accordance with the terms of the application, Ref 23/2681M, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have granted planning permission should it have made a decision on the proposal. I have therefore had regard to the submissions of interested parties in establishing the main issues which I set out below.
3. During the application process the appellant submitted revised plans to the Council. I acknowledge that this was late in the process (December 2023) and consultation of Council Officers had not finished prior to the appellant lodging their appeal (May 2024). Interested parties have been able to comment on the proposal including the amended plans in this period and during the appeal process. Moreover, the amendments are minor and do not substantially change the appeal scheme. Although the appeals process should not generally be used to evolve a scheme, I am satisfied that in this case, accepting the amended plans would not prejudice other interested parties. I therefore have determined this appeal on the amended plans before me, as did the Council in its statement of case. I have had regard to any comments made by interested parties.

Main Issues

4. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area.
- The effect of the proposal on flood risk.
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties, with regard to privacy, noise, daylight and sunlight.
- Whether the proposal would provide adequate living conditions for any future occupiers of the proposal.
- The effect of the proposal on highway safety.
- The effect of the proposal on local housing stock.
- The effect of the proposal on wildlife and green space.

Reasons

5. The appeal site is situated in an established residential area of Knutsford. The site is large and contains two bungalows. 50 Bexton Road faces the highway whilst 50a Bexton Road is located to the rear of the site. No 50a is accessed via an access road situated on the slight bend of Bexton Road. The road consists of a mixture of terraced, semi-detached and detached properties, the majority of which have off-street parking provision to the front. There is an assortment of modern and period style dwellings that contribute to the pleasant character of Bexton Road. Opposite the appeal site is the Knutsford Academy which is a secondary school.

Character and Appearance

6. The proposal would replace No 50 with 3 terraced properties and No 50a would be replaced by 3 detached properties due to the large plot size. Bexton Road has a mixture of properties and the addition of a terrace would be appropriate in the context of the various architectural styles and property types. The terraced properties would include arched heads to the doors and windows which would correspond with the details on other properties in the locality. The gable end would incorporate windows and as a result would prevent a blank wall and add interest and depth. The detached properties would be sympathetically designed to correspond with the surrounding area. Furthermore, the terraced properties and detached properties would display similar features, such as bay windows, to provide cohesion between the built forms.
7. The overall plot layout would be proportionate to the density of housing in the area as well as the plot sizes. Consequently, the layout would not be cramped in nature. The proposed location of the detached dwellings would be at a lower land level than the terraced properties due to the natural decline of land level from the highway. Therefore, the proposal would not be overly prominent.
8. The parking provision for the terraced properties would be to the front of the properties. Such a location would be appropriate in the streetscape given that this would be reflective of other parking arrangements in the area.

9. In summary, the proposal would comply with Policies SD2 and SE1 of the Cheshire East Local Plan Strategy 2010-2030 (CELPS) and Policy GEN1 of the Cheshire East Local Plan Site Allocations and Development Policies Document 2022 (CESADPD). These policies seek to ensure that development assimilates, respects and contributes positively to the local area and its distinctiveness. Additionally, the development would comply with Policies D1, D2 and H2 of the Knutsford Neighbourhood Plan 2010-2030 (KNP) which seek to ensure, amongst other things, that developments are of a high-quality design and that they respect and contribute to Knutsford's local townscape.

Flood Risk

10. The Lead Local Flood Authority has raised no objections to the proposal subject to a condition requiring an updated drainage strategy and soakaway testing to be approved by the local planning authority. There is no substantive evidence before me to suggest that this condition would not address any flood risk and the concerns of interested parties.
11. Interested parties have referenced other development close to the appeal site with regard to flooding as a consequence of that development. However, I do not have the full details of these developments before me. Moreover, each case should be considered on its own merits.
12. I therefore conclude that the proposal would not lead to an increased flood risk. Thus, the proposal would comply with Policy ENV16 of the CESADPD which seeks to manage surface water effectively and reduce the risk of flooding.

Living Conditions of the occupiers of neighbouring properties

13. With regard to privacy, the separation distances between the proposed detached properties (including the rear dormer windows) and existing properties to the rear known as 'The Orchards', would be generous and therefore adequate to ensure that a reasonable level of privacy would be maintained for the occupiers of those neighbouring properties. In addition, given the orientation of the proposed detached dwellings and terraced dwellings, I am satisfied that this would maintain a reasonable level of privacy for the occupiers of other properties, including those along Bexton Road, Lee Close and Mead Close.
14. Regarding noise disturbance from proposed air sourced heat pumps, such technology is not uncommon in residential developments and there is no substantive evidence before me to indicate that they would emit an undue level of noise. In addition, the limited number of proposed dwellings and thus the likely limited number of associated car trips, I am also satisfied that there would be no undue noise levels arising from any additional vehicle movements.
15. Noting the orientation and general layout of the proposed dwellings, and their separation distances from neighbouring properties, I am satisfied that the proposal would not result in any harmful effects on sunlight or daylight levels for the occupiers of neighbouring properties.
16. Consequently, the proposal would respect and maintain the living conditions of occupiers of neighbouring properties with regard to privacy, noise disturbance, daylight and sunlight. The proposal would thus comply with Policy SE1 of the CELPS and Policies HOU12 and HOU13 of the CESADPD, which seek to ensure, amongst other things, that development respects neighbour amenity.

Living Conditions of future occupiers

17. Having regard to the orientation and general layout of the proposed dwellings, their internal and external space dimensions and their separation distances from neighbouring properties, I am satisfied that the proposal would provide adequate living conditions for any future occupiers of the proposal, including in respect of privacy, noise, sunlight and daylight.
18. The proposal would thus comply with Policy SE1 of the CELPS and Policies HOU12 and HOU13 of the CESADPD insofar as they seek to ensure appropriate amenity for any future occupiers.

Highway Safety

19. The location of the proposal would be directly opposite the service access entrance of the Knutsford Academy. Interested parties have highlighted concerns that this would result in an adverse impact upon the safety of pedestrians and pupils, particularly at times when pupils arrive and leave the school. There is an existing access road to No 50a located on the subtle bend of Bexton Road which would be used as the access for the proposed detached dwellings.
20. Nonetheless, a turning point would be provided along this access, which would enable vehicles to exit onto Bexton Road in a forward gear and the access would provide satisfactory visibility splays.
21. Moreover, the proposal would provide and would adhere to relevant minimum parking standards. The Council accepts that the additional number of dwellings would not result in any traffic impact or capacity problems on the local road network and would not give rise to any highway safety concerns. From my observations and the evidence before me, I would concur with this view.
22. On this basis, requests by some interested parties for a financial contribution towards a new pedestrian crossing, or the provision of an additional footpath is not reasonable or necessary. Nor is a request for a 20mph speed limit along Bexton Road. In addition, given the limited scale of the proposal, I do not consider a Construction Management Plan to be necessary.
23. In conclusion, the proposal would maintain a reasonable level of highway safety for pedestrians and vehicle users alike. Thus, the proposal would comply with Policy INF3 of the CESADPD which seeks to ensure that developments have safe access to and from the highway as well as safe internal movements of vehicles.

Local Housing Stock

24. My attention has been drawn to Policy H3 of the KNP which in part seeks to prevent the loss of bungalows. However, this policy, titled 'Residential Extensions and Conversions' relates only to proposals which seek to add additional stories to existing bungalows. Therefore, this policy is not relevant to my consideration of the appeal.
25. In addition, the Council notes that there are no other development plan policies which would justify a refusal based on the loss of bungalow accommodation. Moreover, there is no substantive evidence before me to suggest that there is a short supply of bungalows, or to demonstrate that the loss of the two bungalows

would have an adverse effect on housing mix or housing needs across the authority area.

Wildlife and Green Space

26. The site lies within the zone of influence of Tatton Meres Site of Special Scientific Interest (SSSI) which forms part of the Midlands Meres and Mosses Phase 1 Ramsar site. The SSSI/Ramsar site is designated for its peatlands, freshwater lake and marsh and carr communities.
27. Potential hazards to these features could arise from construction phase impacts, water contamination or changes to hydrology in the form of impact pathways being runoff, pollution and dust and waste water. Given the distance between the site and the SSSI/Ramsar, the location of the site in a built-up area and the lack of impact pathways between the site and the SSSI/Ramsar site, the Council has concluded that these hazards are unlikely to occur either in relation to the appeal scheme alone or in combination with any other development. I note that Natural England has reached the same conclusion. I have no compelling reasons to conclude otherwise and on that basis the proposal would not have likely significant effects on the SSSI/Ramsar site.
28. Concerns have been raised by interested parties in regard to the loss of green space and consequently an adverse impact upon the wildlife in the area. However, any green space lost would be associated with private garden areas and is thus not subject to any formal designation and potential for harmful effects on wildlife have not been substantiated with any compelling evidence. Though the appeal site is within a wider area known as the Cheshire East Ecological Network, relevant conditions suggested by the Council would ensure that opportunities for enhancing the ecological value of the appeal site could be achieved.
29. The Arboricultural Impact Assessment (AIA) has highlighted that a category B and C tree would be removed for the proposal. The AIA recommends supplementary tree planting and soft landscaping to mitigate this, which I am satisfied can also be achieved via an appropriate landscaping condition.
30. The proposal would therefore comply with Policy SE5 of the CELPS and ENV1 and ENV6 of the CESADPD, which seek, amongst other things, to ensure proposals provide a replacement tree planting and ecological benefits.

Conditions

31. The Council has provided a list of suggested conditions which I have considered against the Framework, and advice contained in the Planning Practice Guidance. I have also taken into account the appellant's views in the use of pre-commencement conditions where necessary. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 56 of the Framework.
32. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2). A condition regarding the submission of details with regard to external materials and finished floor levels (3 and 4) as well as landscaping (5) and the maintenance of the soft landscaping (6) is required in the interests of character and appearance. In addition, I have imposed a pre-commencement condition requiring an acoustic report with regard to the bedrooms of the proposed dwellings (7). This is necessary to ensure adequate

living conditions for any future occupiers given the flight path of arrivals to Manchester Airport. The condition needs to be pre-commencement to ensure an appropriate level of noise mitigation.

33. A condition requiring the development to accord with the submitted Arboricultural Method Statement and Tree Protection Plan is required to ensure the protection of the trees on site (8). Furthermore, an additional condition is required to protect the trees from below ground provision of foul and surface water drainage as per the *Flood Risk Assessment and Surface Water Management Report (Dated September 2023)*(9). This needs to be pre-commencement to ensure the protection of the trees.
34. A pre-commencement condition in regard to the submission of a strategy with regard to biodiversity is necessary to ensure that the biodiversity value of the site is enhanced (10). In addition, a condition to ensure nesting birds are not disturbed during any aspect of the development is necessary in the interests of protected species (11). Furthermore, a condition requiring adherence to the approved flood risk assessment and surface water management report is necessary to mitigate against flood risk (12). Finally, I have imposed a condition requiring certain windows to be obscurely glazed in order to ensure privacy is maintained (13).
35. The Council has suggested a condition with regard to a design engineered no dig surface construction and its final materials. However, I have imposed a condition regarding landscaping and therefore an additional condition relating to the external materials of the driveway is not necessary or proportionate.
36. The Council has not suggested conditions relating to electric vehicle chargers or low emission boilers because neither would meet the tests as set out in paragraph 56 of the Framework. I do not consider there to be any reason to disagree with the Council's conclusions on this matter.

Conclusion

37. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted.

B Astley-Serougi

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 22/07/21PA, 22/07/31PA, 22/07/32PA, 22/07/33PA, 22/07/34PA, 22/07/35PA, 22/07/36PA, 22/07/37PA, 22/07/41P, 22/07/42P, 22/07/43P, 22/07/44P, 22/07/45P, 22/07/46P, 22/07/47P, 22/07/51P, 22/07/52P, 22/07/53P, 22/07/54P, 22/07/55P, 22/07/56P, 22/07/57P, 22/07/58P, 22/07/61P, 22/07/62P and TR.1B.
- 3) No development above ground level shall take place until samples of all external facing and roof materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 4) No development shall commence until full details of the finished levels, above ordnance datum, of the ground floor(s) of the development hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of hard landscaping, boundary treatment, fencing, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities, an implementation programme and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellinghouses or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No development shall commence until an acoustic report has been submitted to and approved in writing by the local planning authority to demonstrate that aircraft noise within bedrooms can be mitigated to an appropriate level in accordance with the requirements of CESADPD policy ENV 13. Any approved mitigation shall be implemented in full prior to first occupation of the dwellinghouses hereby approved and shall remain for the lifetime of the development.
- 8) No development or other operations shall commence except in complete accordance with the tree protection and special construction measures identified in the Arboricultural Method Statement (LTM0568.AIA.01) and Tree Protection Plan (LTM0568.TPP.01) dated 29/8/2022, with measures to be implemented under arboricultural supervision in accordance with BS 5837:2012 Trees in relation to design, demolition and construction.

- 9) No development or other operations on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall commence until a detailed service and foul and surface water drainage layout has been submitted to and approved in writing by the local planning authority (notwithstanding any additional approvals which may be required under any other Legislation). Such layout shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service / drainage layout.
- 10) No development shall commence until a strategy for the incorporation of features to enhance the biodiversity value of the development hereby permitted has been submitted to and approved in writing by the local planning authority. The submitted strategy should include proposals for the provision of features for nesting birds including swifts, and roosting bats (any external lighting should avoid direct light spill upon bat roost features), gaps in garden fences to facilitate the movement of hedgehogs, and native species planting. The proposals shall be permanently installed in accordance with approved details.
- 11) No removal of any vegetation or the demolition of buildings shall take place between 1 March and 31 August in any year, unless a detailed survey by a suitably qualified person has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the local planning authority before any further works within the exclusion zone taking place.
- 12) No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 13) No building hereby permitted shall be occupied until the upper floor windows at Plot 'H3' north-east elevation, Plot 'H4' north-west elevation and Plot 'H6' south-east elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.