



Appeal Decision

Site visit made on 4 November 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/R0660/D/24/3346067

12 Carter Close, Nantwich CW5 5GD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Parkes against the decision of Cheshire East Council.
 - The application Ref is 24/0292N.
 - The development proposed is the construction of vehicle access to front of property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and
 - highway safety.

Preliminary Matter

3. The postcode used in the appeal address above differs to that used on the application form. It has been taken from the decision notice and has also been used on the appeal form as it represents the correct postcode.

Reasons

Character and appearance

4. The appeal property forms part of a small row of dwellings as part of a larger residential estate fronting, but set back from Waterlode behind a hedge and front lawn. The property is close to a signal controlled junction after which there are further properties fronting Waterlode which are set back from the road behind a green verge and hedging. This creates and maintains a verdant character and appearance to the area, of which the appeal site contributes positively to.
5. Waterlode, a classified B road is characterised by an absence of dropped kerbs preventing direct vehicular access onto Waterlode from the front of properties close to and including the appeal site.
6. Vehicular access and parking for dwellings facing Waterlode is located at the rear of properties, accessed via the internal residential estate road off Fairfax Drive, not directly from Waterlode that passes to the front of it.

7. Given the above, and notwithstanding the urban context with lampposts and traffic lights, the proposed dropped kerb across part of the frontage of the appeal property and the neighbouring property would appear as an alien feature. It would appear harmfully at odds with the character and appearance of the road where no other properties fronting Waterlode in the vicinity of the appeal site have dropped kerbs to facilitate vehicle access.
8. For the reasons above, I conclude that the development would harm the character and appearance of the area. It therefore conflicts with Policies SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy 2010-2030 (2017) (LP). Collectively, these seek to ensure, amongst other matters, that proposals are in keeping with and positively contribute to the character of the area. It would also conflict with Policies GEN1 of the Cheshire East Site Allocations and Development Policies Document (2022) (SADP) which seeks to ensure, amongst other matters, that proposals maintain sense of place and reflect local character.
9. Policy HOU11 of the Cheshire East Site Allocations and Development Policies Document (2022) (SADP) has been cited on the decision notice. However, as this relates to extensions or alterations to an existing dwellinghouse or the construction of an outbuilding within residential curtilages I have not found it to be determinative in this case.

Highway safety

10. Waterlode is a 30mph B class road, close to a signal controlled junction. A disused bus-layby is also located at the front of the property. This section of the road, although three lanes, is relatively straight and drivers exiting the appeal property would be afforded clear sightlines from traffic in both directions.
11. A submitted swept path analysis demonstrates the feasibility of vehicle movements into and out of the appeal site. Based on my site observations and the evidence before me, although the manoeuvring space would be fairly tight, the tracking indicates that it is possible to access and egress from the property in forward gear safely, without vehicles impacting neighbouring boundaries. Considering this and the clear sightlines afforded to vehicle users, I find that the proposal would not result in an unacceptable effect on highway safety.
12. For the reason above, I conclude on this issue that the proposed development would not result in an adverse impact on highway safety. It would therefore accord with Policy SD1 of the LP and Policy INF3 of the SADP. Collectively, amongst other matters, these seek safe access. It would also accord with the National Planning Policy Framework in so far as it seeks development which does not result in an unacceptable impact on highway safety.

Other Matters

13. While the laying of permeable hard surfacing in lieu of the front lawn and removal of the existing hedge may not in themselves require planning permission and are not part of this proposal, these elements would facilitate the use of the dropped kerb. I consider that it would be unlikely that those works would be undertaken in the absence of the dropped kerbs. The removal

of the hedge and creation of hard standing would thus contribute to the harm already identified.

14. I acknowledge that the proposal may assist in easing parking congestion on Carter Close by providing an additional off-road car parking space that would improve the living conditions of the occupiers of the appeal property, however this does not justify the introduction of a feature which would result in harm to the character and appearance of the area.
15. I note the appellant's argument that the placing of a vehicle in the front garden would not amount to development and that the Council should not have assessed the visual impact of a vehicle parked at the front of the dwelling. However, from my reading of the officer report and decision notice this is not what the Council have assessed or implied.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR