



Appeal Decision

Site visit made on 5 November 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/R0660/W/24/3347919

35 Valley Drive, Handforth, Cheshire East SK9 3DN

- 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 & Mrs P Lennon against the decision of Cheshire East Council.
 - The application Ref is 22/2214M.
 - The development proposed is demolition brick workshop and construction of 3 bedroom detached house with associated parking and external works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area, with particular regard to trees on and around the appeal site.

Reasons

3. The appeal site comprises the side garden of No 35 Valley Drive which is the last property on this side of the road. Beyond the appeal site, and not accessed via Valley Drive is the White House which along with No 35, bounds the site. The site currently contains a sizeable garage building which would be demolished as part of this proposal. There are mature trees around the site and some small trees on the site which collectively present a green appearance at the end of the road. The rest of Valley Drive is, however, characterised primarily by the long rows of regularly set dwellings to either side of the road. The dwellings themselves are characterised by small groups of similar styles.
4. The proposal would sit significantly forward of the building line where it would be a prominent feature. The proposal would also include a significant two storey front projection that would be substantially larger than, and incongruous with, the front projections typical of the street. This projection, by way of its scale and positioning, would also further add to the dwelling's prominence, cumulatively resulting in a visually intrusive feature. The dwelling would not sit comfortably with the design and positioning of the surrounding dwellings and would not reflect any of the nearby style groups. Although individual designs can be acceptable at the end of a row of development, given my findings above, in this case the proposal would be harmful.
5. As noted above there are a number of trees on and around the appeal site. Those on the site are very small and young examples, not much greater than

a bush. Those adjoining the site are more significant, being more prominent, mature examples. A group to the front of the site and a further group to the rear are covered by group Tree Preservation Orders. Although I have not been provided with the reference numbers for each group, it is clear that both parties agree which trees are covered by the orders.

6. The appellant's submissions are clear that of the protected trees, it would only be T9, T10 and T11 affected by the development. The development would require some pruning of the tree T9's crown and the proposed parking area would encroach into the root protection area. The proposed dwelling would also encroach into the root protection areas of trees T10 and T11.
7. I am content from the appellant's submissions that the development could be carried out without unacceptably affecting the retained trees, including those protected trees noted above. In particular, I find that the encroachment into the root protection area of T9 could be mitigated by the use of a no-dig solution to the driveway. Moreover, the encroachment into the area's for T10 and T11 would be very modest and where it is likely only minor roots would exist. The pruning of T9 would also be fairly minor and would be unlikely to significantly affect the health or appearance of the tree.
8. Although the retained trees would be close to the proposed dwelling, I find that there is sufficient space between them to ensure that their long-term health would not be prejudiced. Moreover, given the orientation of the rear garden I find that sunlight would only be screened later in the afternoon and evening. Whilst there may be some pressure to prune trees to the front and rear of the site, I find that this would not be so substantial as to require support from the Council.
9. Nevertheless, the proposed dwelling would unacceptably affect the character and appearance of the surrounding area and would therefore conflict with Policies SE1 and SD2 of the Local Plan Strategy 2010-2030, Policy GEN1 of the Site Allocations and Development Policies Document and Policy H1 of the Handforth Neighbourhood Plan. These collectively, and amongst other matters, require developments to make a positive contribution to the character and identity of their surroundings and, mindful of scale, form and relationship with neighbours, reinforce local distinctiveness. The proposal would also conflict with Paragraph 135 of the National Planning Policy Framework (the Framework) which requires developments to add to the quality of, and be sympathetic too, an area and its character.

Planning Balance and Conclusion

10. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling in a location with adequate access to services. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract modest weight.
11. Whilst the proposal may not result in any harm to retained trees, this lack of harm is not a benefit in itself. I therefore attach this neutral weight in my consideration.

12. Conversely, the proposal would result in harm to the character and appearance of the surrounding area in conflict with the development plan taken as a whole. This attracts moderate weight and outweighs the benefits associated with the proposed development.
13. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR