



Appeal Decision

Site visit made on 20 January 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal Ref: APP/R0660/W/24/3348773

20-20A Yorston Lodge Primary School, Bexton Road, Knutsford WA16 0DS

- 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 Hatton c/o Modern Unique Developments Ltd against the decision of Cheshire East Council.
 - The application Ref is 23/4635M.
 - The development proposed is demolition of school and construction of six dwellings and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of school and construction of six dwellings and associated landscaping at 20-20A Yorston Lodge Primary School, Bexton Road, Knutsford WA16 0DS in accordance with the terms of the application, Ref 23/4635M, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Hatton against Cheshire East Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024 and has been used in the determination of this appeal. Parties were given the opportunity to comment on the changes, no comments were received.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the setting of St Johns Conservation Area (CA).

Reasons

5. The appeal site is a vacant site formerly occupied by Yorston Lodge Primary School, located on the corner of Bexton Road and St Johns Road. The site consists of a three-storey white rendered building with various single-storey extensions and a coach house. Its frontage is set back from Bexton Road, with a large area of hard surfacing at the front and side, set behind a combination of metal railings, hedging and low brick walls. The site has a spacious character, which contrasts to the denser residential development surrounding it.

6. The former school building, due to its height and siting within the corner plot, is prominent within the street scene, particularly when viewed from Bexton Road. Opposite the appeal site is a derelict health centre, with residential properties to the south, west and east. Whilst there is some variety in the style and age of residential properties, the prevailing characteristic is red brick semi-detached and terraced properties.
7. The appeal site is located adjacent to the St Johns Conservation Area (CA), with the CA boundary on the north side of St Johns Road, opposite the appeal site. Paragraph 208 of the Framework recognises that the significance of heritage assets may be affected by development within their setting. The appellant's appeal statement indicates that the significance of the CA is derived, in part, from the special architectural and historic interest that results from the Victorian terraced properties and villas, with the CA forming a Victorian enclave. This has not been disputed by the Council, and from my own observations, I agree with this conclusion, with consistent features such as brick detailing and bay windows making a positive contribution to the CA's character.
8. Considering the existing layout and appearance of the buildings on the appeal site, the site makes a neutral contribution to the setting of the CA, with unsympathetic extensions to the existing buildings detracting from the significance of the CA.
9. The proposed development would result in the demolition of all the existing buildings on the site, replaced with a three-storey terraced block consisting of six properties. The Council wishes to retain the existing buildings, as they provide evidence of the history of the site. As a result of unsympathetic alterations over the years, I consider the existing buildings do not reflect the local distinctiveness and characteristics of the surrounding area and their contribution to the character and appearance of the area is limited. Architectural detailing observed on the coach house would be replicated on the proposed development. Overall, the removal of these buildings would not adversely harm the character and appearance of the area. Notwithstanding the above, the appellant has set out reasoning why they consider the retention of the existing buildings are not viable. They have also stated that prior approval has been granted for the demolition of the buildings on site, a claim the Council has not refuted.
10. The existing coach house, which directly abuts the highway, provides a sense of enclosure at the beginning of St Johns Road. However, I observed that the strong front boundary, is not a typical feature in the area, most properties are set back from the highway. The proposal would introduce built form closer to St Johns Road than the existing main dwelling. However, the side elevation fronting St Johns Road would be set back behind planting and a brick boundary wall, with the single-storey element adding visual interest. The enclosed feeling that the coach house provides would thus still be retained at the start of St Johns Road, albeit to a lesser degree given its set back compared to the coach house. Proposed carparking located where the existing coach house stands would open up the space and create a gap in the streetscape between surrounding buildings, a feature that is characteristic in the area.
11. The development would be primarily viewed alongside the adjacent row of terraced properties that are within the CA fronting Bexton Road. The proposed terrace would be of an appropriate scale relative to these properties and commensurate with the overall scale of residential dwellings in the vicinity.

12. Although the front-facing end gables would be taller than the adjacent terrace, this would only be marginal, and overall, the development would be substantially lower than the main building it would be replacing and would not detract from or compete with the neighbouring terrace, which is separated by St Johns Road. The Council consider the front gables would be incongruous; however, front gables are present on other properties on St Johns Road to the rear of the appeal site. Moreover, the existing property features two prominent front gables which have been a long standing feature of the street scene.
13. The proposed development would alter the site's character from a relatively open, low density development. The proposal would span much of the plot width; in contrast to the existing development. However, the proposed development would be more reflective of the grain of development both within and outside the CA. The density would be appropriate to the size of the plot and commensurate with surrounding properties. The front elevation would be set back from the road, with the building line largely consistent with neighbouring properties. Whilst it would taper away gradually from the front boundary, the visual impact of this would be minimal and would not unduly draw the eye. The flank elevations would also be set in at either end of the plot, away from the site boundary, and bookended with single-storey elements. An overall sense of spaciousness would still be retained. As such, I find that the proposed development would appear neither dominant, cramped nor shoe-horned in the plot.
14. The scheme would introduce frontage parking. While this is not a prevailing characteristic of the CA, it is a feature of the semi-detached and terraced properties south of the appeal site that front Bexton Road. Therefore, it would not appear as an alien feature. Moreover, the hard landscaping fronting the proposed properties on Bexton Road would be broken up with soft landscaping, preventing it from appearing as a harsh or overly strident feature within the streetscene. The boundary treatments of hedging, railings and walls are also reflective of the local area and would assist in softening the frontage.
15. Whilst the proposed front dormers are not a prevailing feature of the properties within the CA, I did observe dormers on properties along Bexton Road near to the appeal site. The proposed dormers are modest in size, set back from the eaves and do not dominate the roofscape. They would be well aligned to the bay windows and fenestration on the ground and first floor, which when viewed together, add vertical emphasis to the front elevation. The dormers would not appear as alien or intrusive features.
16. As a whole, the proposed development is well-considered and would reflect local characteristics, picking up design cues from the surrounding varied built environment. This includes materials, layout, form and key features of the existing terraced properties, including bay windows, brick arches, brick string detailing, gable detailing, timber sash windows and door recesses, without slavishly copying them to produce pastiche. As such, I find the development would be appropriate for its location. It would make a positive visual contribution to the character and appearance of the area, appearing neither incongruous or obtrusive in views into and out of the CA, respecting the significance and the setting of the CA. As such, it would preserve the setting of the CA and would neither harm nor diminish the ability to appreciate its significance.

17. Concern has been raised that the development would resemble the Masters Court development near the appeal site. However, I find that the proposal does not reflect the design or appearance of that development, which has quoin detailing. The proposed scheme in comparison has more sympathetic dormers, narrower windows with glazing bars, with the fenestration arrangement well-aligned on all floors, with a vertical emphasis.
18. Policy GEN1 of the Cheshire East Local Plan Strategy (2017) (CELPS) sets out a series of design principles that development proposals should seek to achieve. The overall thrust of the policy is to achieve high quality, well designed developments that contributes positively to the quality of place. Point 8 of this policy seeks to retain where ever possible the re-use of existing buildings as part of new development. In this case, all the buildings are proposed to be demolished. There would therefore be some conflict with part of this policy. However, the proposal would accord with the overall thrust of the policy through the high quality design and maintaining a strong sense of place. Moreover, Policy GEN1 is to be read in line with both Policy SD2 Sustainable Design Principles and Policy SE1 Design of the CELPS. Policy SD2 seeks development which makes a positive contribution to an areas character and identity, re-enforcing local distinctiveness, respecting the setting of heritage assets including their wider setting and Policy SE1, amongst other matters, seeks development which makes a positive contribution to their surroundings. I have found no harm with regard to these aspects.
19. In conclusion, for the reasons above, the proposal would not harm the character and appearance of the area or the setting of the CA and would not diminish the ability to appreciate the significance of the CA. It would therefore accord with Policy SE1 and SD2 of the CELPS and Policy GEN1 of the SADP. It would also align with Policies D1 and D2 of the Knutsford Neighbourhood Plan (2019) (NP) which has similar aims. Whilst it does not reuse existing buildings, it would accord with the overall thrust of Policy SD1 which seeks to achieve sustainable development. The proposal would be in an accessible location, incorporating sustainable design and construction methods creating A rated energy efficient homes, enhancing the built environment and making efficient use of land.
20. It would also accord with Policy SE7 of the CELPS and Policy HER3 of the SADP, these support development that does not harm heritage assets and protects the characteristics of the conservation area. It would also accord with Policy HE2 and HE3 of the NP which has similar aims. Given the proposal was accompanied by information describing its impact on heritage assets it would accord with Policy HER1 of the SADP. The proposal would also accord with Policy H2 of the NP which requires, amongst other matters, that proposals have an appropriate density, scale and height commensurate with the surroundings.

Other Matters

21. The appeal site is located a short distance from the Town Centre Conservation Area. Given my finding that the appeal scheme would not harm the St Johns Conservation Area or its setting, and considering the intervening distance between the proposal and the Town Centre Conservation Area, as well as the car park located on the edge of the Town Centre Conservation Area closest to the appeal site, the development would not have an adverse effect on this heritage asset.

22. Concern has been raised that the development could compromise future development of the community hospital opposite the appeal site. I have no substantive evidence to suggest that this scheme would compromise any future development of that site. Therefore, this concern does not alter my findings.
23. Any noise and disturbance associated with construction would be short term and for a temporary period only. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property, as such this has not altered my conclusions on the main issue which is focussed on the planning merits of the case.
24. Interested parties have stated that Knutsford has already addressed its housing supply. Even if this is the case, it does not prevent additional housing sites to come forward.
25. The site has three trees that would be removed as part of the development. One of these is a Yew tree protected by a tree protection order (TPO). An arboricultural report was submitted with the application. This confirmed the tree was of poor quality and the Council's Tree Officer confirmed it was in a state of decline and the tree's removal was not unreasonable. The Council have suggested a replacement tree of the same specie could be secured by a landscaping condition along with appropriate landscaping. This is an approach with which I would concur.
26. As the proposed development would incorporate soft landscaping at the front, it would not accord with local minimum parking standards. However, as the site is in an accessible location, close to the town centre with good transportation options, the Council have raised no objection. Whilst it may lead to some on-street parking and noting that a school is located nearby, given the modest quantum of development and the on-site parking provision, it would not have a materially adverse effect on local street parking.
27. Concern has been raised that the submitted plans do not reflect recent additions to neighbouring properties and that the proposal would result in separation distances below minimum standards, raising privacy concerns. The Council have considered that the proposal would not result in a significant adverse effect on neighbouring occupiers. Whilst the proposal would bring built form closer to the properties on Hayton Street, including No 2 and 4 Hayton Street and 16 St Johns Road, it would not significantly fall below the guidance. There is already a degree of overlooking from the existing built form. Given intervening boundary treatments, outbuildings and that the first-floor study windows of units 1 to 4 are orientated away from the properties at the rear, any opportunities for direct overlooking would be very limited over and above the existing situation. As such, the proposed development would not have a significant adverse impact on neighbouring occupiers living conditions with regards to privacy. Moreover, the first-floor rear bathroom windows can be obscured glazed, which can be secured by a condition.
28. The Council has raised no concerns with the quality of living accommodation. Whilst noting the proposed studies have a window close to a blank elevation, this has been designed to avoid overlooking of rear properties. Whilst outlook and light would be limited, the orientation and positioning of the windows towards the rear corner would likely ensure sufficient light is received by these rooms, which are not designated as bedrooms.

Conditions

29. I have considered conditions suggested by the Council and appellant having regard to the tests in the Framework and the advice in the Planning Practice Guidance (“the PPG”). Where necessary I have made changes to the wording of conditions in the interests of precision and clarity and have added conditions where necessary.
30. In addition to the standard time limit condition, conditions requiring the development to be carried out in accordance with approved plans and materials schedule is needed for the avoidance of doubt.
31. To safeguard public health, conditions are necessary with regards to contaminated land. To ensure appropriate drainage, reduce flood risk and an undue increase in surface water, a condition is necessary requiring an updated drainage strategy.
32. To ensure appropriate landscaping and in the interests of the character and appearance of the area, conditions are necessary to retain the proposed garden areas for this purpose only and to ensure certainty in respect of the provision of an appropriate hard and soft landscaping scheme.
33. To ensure biodiversity enhancement, a condition is necessary requiring bird and bat boxes. A condition is necessary to ensure retained trees are not adversely affected by the development and to protect the character and appearance of the area.
34. To ensure living conditions of neighbouring occupiers are not adversely affected, details of site levels are required.
35. Due to the relationship of the proposed development with existing properties to the rear, to protect living conditions of neighbouring occupiers, a condition requiring obscure glazing to the first floor bathroom windows is necessary, as is a condition removing permitted development rights in relation to windows.

Conclusion

36. For the reasons given above, having taken account of the development plan as a whole, and all other matters raised, I conclude that the appeal should be allowed.

T Bennett

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 drawing nos: C615/ 1 Location Plan, C615 / 2 Block Plan, C615/ 5 Rev 1 Proposed Elevations, C615/ 6R1 Proposed Floorplans, C615 / 7 R4 Proposed Site Plan & Landscaping, C615/ 12R1 Proposed Site Plan with EV infrastructure and C615/ 9 Ecology.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials specified in the Materials Schedule.
- 4) No development (other than agreed demolition and site clearance works) shall commence until a remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including a verification plan. The approved remediation scheme shall be carried out before the development is occupied.
- 5) No part of the development hereby approved shall be occupied until a verification report prepared in accordance with the approved remediation scheme that covers the part of the development to be occupied has been submitted to and approved in writing by the local planning authority.
- 6) If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the local planning authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the local planning authority.
- 7) Prior to the commencement of the development hereby approved (other than agreed demolition and site clearance works), an updated drainage strategy that considers the drainage hierarchy shall be submitted to and approved in writing by the local planning authority. Prior to first occupation of the development hereby approved, the drainage strategy shall be completed in accordance with the approved details and maintained thereafter.
- 8) The front and side garden areas of the dwellinghouses hereby approved shall remain as garden use only and shall not be used for the parking of vehicles.
- 9) Notwithstanding drawing C615/ 7R4, prior to first occupation of the development hereby approved, a detailed scheme for the landscaping of the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details of hard landscaping, hard surfaces, boundary treatment including full details of the boundary wall and railings, 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 and an implementation programme.

The approved landscaping plan shall be completed in accordance with the following:-

- a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the local planning authority.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification -for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations).
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- 10) Prior to first occupation of the dwellinghouses hereby approved, bat and bird boxes are to be provided on site as detailed on the submitted Ecology Bat and Bird Boxes plan – C615/ 9.
- 11) No development shall commence (other than agreed demolition and site clearance works) until details of the existing ground levels, proposed ground levels and the level of proposed floor slabs has been submitted and approved in writing by the local planning authority. The scheme shall then be implemented in accordance with the approved details.
- 12) No trees or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the local planning authority gives written consent to any variation. In addition:
- a) No development or other operations shall take place except in complete accordance with the tree protection measures identified in the Arboricultural Report (PM/FULL/04/11/23) dated November 2023 with measures to be implemented under Arboricultural supervision in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. – Recommendations.

- b) No operations shall be undertaken 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) until the protection works required by the approved protection scheme are in place.
 - c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the local planning authority.
- 13) The development hereby permitted shall not be occupied until the first floor rear bathroom windows have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the rear elevation.

****End of Conditions****