



Appeal Decision

Site visit made on 3 March 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 April 2025

Appeal Ref: APP/R0660/D/24/3351116

Armstrong Farm, Macclesfield Road, Alderley Edge SK9 7BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Michael Summersgill against the decision of Cheshire East Council.
- The application Ref is 24/2211M.
- The application sought planning permission for refurbishment of existing house with two-storey side extension and rear basement extension, with side and rear extension to existing garage and associated external works without complying with a condition attached to planning permission Ref 22/3278M, granted at appeal Ref APP/R0660/D/23/3323596 dated 13 December 2023.
- The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out strictly in accordance with the following approved plans: Drawing No. P-001 Rev C (Location Plan), Drawing No. P-010 Rev H (Proposed Site Plan), Drawing No. P-300 Rev C (Proposed Site Section), Drawing No. P-206 Rev F (Proposed Garage East and West Elevations), Drawing No. P-106 Rev E (Proposed Garage Ground and First Floor Plans), Drawing No. P-205 Rev F (Proposed Garage Front and Rear Elevations), Drawing No. P-105 Rev C (Proposed Leisure Suite Basement Plan), Drawing No. P-202 Rev C (Proposed Dwelling East Elevation), Drawing No. P-107 Rev D (Proposed Garage Roof Plan), Drawing No. P-204 Rev C (Proposed Dwelling South Elevation), Drawing No. P-207 Rev D (Proposed Dwelling South Elevation- Illustrative) Drawing No. P-100 Rev B (Proposed Dwelling Basement Plan), Drawing No. P-102 Rev B (Proposed Dwelling First Floor Plan), Drawing No. P-101 Rev B (Proposed Dwelling Ground Floor Plan), Drawing No. P-200 Rev B (Proposed Dwelling North Elevation), Drawing No. P-104 Rev A (Proposed Dwelling Roof Plan), Drawing No. P-103 Rev B (Proposed Dwelling Second Floor Plan) and Drawing No. P-203 Rev B (Proposed Dwelling West Elevation).
- The reason given for the condition is: in the interests of certainty and precision.

Decision

1. The appeal is allowed and planning permission is granted for refurbishment of existing house with two-storey side extension and rear basement extension, with side and rear extension to existing garage and associated external works at Armstrong Farm, Macclesfield Road, Alderley Edge SK9 7BN in accordance with the application Ref 24/2211M, without compliance with condition number 2 previously imposed on planning permission Ref 22/3278M, granted at appeal Ref APP/R0660/D/23/3323596, dated 13 December 2023 and subject to the conditions set out in the schedule of this decision.

Background and Main Issue

2. Planning permission was granted at appeal for the refurbishment and extension of the existing house and associated external works¹. The proposal seeks to vary condition 2 to amend the approved drawings.

¹ APP/R0660/D/23/3323596

3. The amended plans include numerous alterations. The reason for refusal relates to solely the glazed link. The Council has not expressed concern with the other proposed amendments, and I see no reason to take an alternative view.
4. Thus, the main issue is the effect of the proposed glazed link on the character and appearance of the site, and whether it would preserve or enhance the character or appearance of the Alderley Edge Conservation Area (CA).

Reasons

5. As the proposal relates to a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The CA is notable for its cohesive, sylvan qualities. This part of the CA is primarily characterised by substantial dwellings set within spacious plots, as well as mature trees and hedgerows. The appeal site is located towards the eastern edge of the built development of Alderley Edge and CA. The area towards the east and south are characterised by open fields and woodland. Thus, the wider site context is rural in nature with a suburban influence.
6. The glazed link would replace the approved basement level link. It would increase the visible built footprint on the site and would be a modern addition. The glazed link would be visible from the footpaths to the rear of the site, looking across the National Trust Land and towards the CA. Nevertheless, it would be seen alongside the other nearby dwellings. The neighbouring dwelling, Edgcroft, includes a three-storey glazed element. The variance in building styles and materials in the locality is also evident whilst walking along the footpaths. Furthermore, given the distance between the appeal site and footpaths, as well as vegetation, the glazed link would not be a prominent feature when viewed from the footpaths.
7. Clear views of the glazed link would also not be easily obtained from Macclesfield Road. This is because of the existing vegetation, distance between the highway and proposal, and it would be largely screened by the dwelling and garage block.
8. The proposed glazed link would ensure that the visual gap between the dwelling and garage would be maintained as it would be a simple, single-storey, lightweight and unobtrusive structure. The garage building would remain as a subservient structure given the design of the glazed link and the massing and height of the main building. The site is generously sized and can comfortably accommodate the glazed link without eroding the spaciousness of the plot. Consequently, the proposal would maintain the spatial qualities of the site and would be in keeping with the character and appearance of the area. The proposal would therefore not cause harm to the semi-rural setting of the area.
9. For these reasons, the proposed glazed link would not harm the character and appearance of the site, and would preserve the character and appearance of the CA. Accordingly, varying condition 2 would satisfy the requirements of the Act and comply with Policies SE1, SE4, SE7 and SD2 of the Cheshire East Local Plan Strategy 2010-2030 (2017), Policies GEN1, HOU11, HER1 and HER3 of the Cheshire East Local Plan: Site Allocations and Development Policies Document (2022) and Policies AE11, AE12 and AE13 of the Alderley Edge Neighbourhood Development Plan 2021-2030. These collectively seek, amongst other things, to ensure proposals are carefully designed, and ensure development within a conservation area pays special attention to the desirability of preserving or enhancing the character or appearance of the area.

10. In addition, varying the condition would accord with the Alderley Edge Conservation Area & Management Plan (2022) and the Cheshire East Landscape Character Assessment (2018), and the Framework. These collectively seek, amongst other things, to ensure good design which is sympathetic to local character and conserves and enhances the historic environment.

Conditions

11. Planning Practice Guidance makes clear that decision notices for the grant of planning permission under Section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I have imposed all the other conditions (other than the time limit condition) as reflected on the appeal decision of APP/R0660/D/23/3323596 as they appear still to be relevant. In the event that some conditions have in fact been discharged, that is a matter which can be addressed by the parties.
12. The Council has indicated on the appeal questionnaire that the three standard conditions are necessary. A time limit condition is not necessary as I observed on my site visit that development had commenced. Furthermore, the re-imposed materials condition is more appropriate than the standard matching materials condition indicated by the Council given the nature of the glazed link materials.
13. A condition relating to the protection of breeding birds was recommended by the Council within the Officer's Report. I am satisfied that the conditions imposed on the earlier permission would adequately address this matter.
14. The appellant states that they would accept a condition to ensure that the hedgerow along the southern boundary wall is retained. However, I do not consider such a condition is necessary and there is an existing condition requiring a landscaping scheme.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

L Wilson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out strictly in accordance with the following approved plans:
 - Drawing No. P-001 Rev D (Location Plan);
 - Drawing No. P-010 Rev M (Proposed Site Plan);
 - Drawing No. P-101 Rev C (Proposed House Ground Floor Plan);
 - Drawing No. P-102 Rev C (Proposed House First Floor Plan);
 - Drawing No. P-103 Rev B (Proposed House Second Floor Plan);
 - Drawing No. P-104 Rev B (Proposed House Roof Plan);
 - Drawing No. P-105 Rev G (Proposed Basement (Leisure Suite) Plan);
 - Drawing No. P-106 Rev I (Proposed Garage Ground and First Floor Plans);
 - Drawing No. P-107 Rev E (Proposed Garage Roof Plan);
 - Drawing No. P-200 Rev D (Proposed House North Elevation);
 - Drawing No. P-202 Rev E (Proposed House East Elevation);
 - Drawing No. P-203 Rev D (Proposed House West Elevation);
 - Drawing No. P-204 Rev G (Proposed Leisure South Elevation);
 - Drawing No. P-205 Rev J (Proposed Garage North and South Elevations);
 - Drawing No. P-206 Rev J (Proposed Garage East and West Elevations);
 - Drawing No. P-207 Rev E (Proposed South Elevation- Illustrative);
 - Drawing No. P-300 Rev E (Proposed House Section A).
- 2) The materials to be used shall be in strict accordance with those specified in the application and approved drawings unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3) Prior to first use of the balcony hereby permitted, the 1.8m high privacy screens indicated on Drawing No. P-103 B shall be installed and retained in perpetuity, unless otherwise agreed by the Local Planning Authority.
- 4) Prior to the use of building materials, a strategy for the incorporation of features to enhance the biodiversity value of the proposed development is to be submitted to the Local Planning Authority. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats and gaps in any fences to facilitate the movement of hedgehogs. The proposals shall be permanently installed in accordance with approved details.
- 5) No removal of any vegetation or the demolition, extension or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey 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 take place.

- 6) Prior to occupation, a 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, 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 landscaping scheme shall then be implemented in full accordance with the approved details.
- 7) The development hereby permitted shall only be undertaken in accordance with the following tree protection and construction measures:
 - a) No development or other operations shall take place except in complete accordance with the tree protection measures identified in the Arboricultural Impact Assessment & Method Statement by Tree Solutions (22/AIA/CHE(E)/250) dated July 2022 and Tree Protection Plan (22/TCS/CHE(E)27 Drawing 03) 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.