



## Appeal Decision

Site visit made on 10 April 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> June 2025

**Appeal Ref: APP/R0660/W/25/3358601**

**61 Moor Lane, Wilmslow SK9 6BQ**

- 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 Steven Boyd against the decision of Cheshire East Council.
- The application reference is 24/4163/FUL.
- The development proposed is a detached dwelling and outbuilding with associated enabling modifications.

### Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling and outbuilding with associated enabling modifications at 61 Moor Lane, Wilmslow, SK9 6BQ in accordance with the terms of the application, reference 24/4163/FUL, subject to the conditions in the attached schedule.

### Procedural Matters

2. The appeal scheme was described on the planning application form as “proposed detached dwelling and outbuilding with associated enabling modifications on land adjacent to 61 Moor Lane”. I have omitted the reference to the address in the banner heading above as it is not strictly descriptive of development; the proposal itself remains unchanged from that considered by the Council.
3. On 12 December 2024 the Government published a revised National Planning Policy Framework (“the Framework”), replacing the December 2023 version extant when the planning application was determined. The appeal submissions were made in the light of the revised Framework so there has been no requirement for me to seek separate comments on the matter.

### Main Issues

4. The main issues are the effect of the proposed development on:
  - The character and appearance of the area; and
  - Living conditions for occupiers of the neighbouring property at 63 Moor Lane, with particular regard to whether it would be overbearing or would cause unacceptable overshadowing.

### Reasons

#### *Character and appearance*

5. The appeal site encompasses all the front garden, and part of the rear garden, of No 61 Moor Lane, and includes a detached double garage outbuilding at the side of the main dwelling. It is within a suburban area on the western side of Wilmslow,

on the south side of a long road characterised by residential development of a variety of ages, scales, and architectural styles. Properties on Moor Lane are generally closely spaced and set to a consistent, though not totally uniform, building line. The proposed development is the demolition of the existing garage, and the erection of a three-storey detached dwelling with four bedrooms; it would also include a semi-detached outbuilding at the rear of the plot, split between No 61 and the new house.

6. Nos 57 to 61 are four traditional redbrick semi-detached houses of identical design, although they have been altered and extended over the years. They make a positive contribution to the streetscene of Moor Lane. They have intricate projecting bays and painted stone heads and cills to openings on their front elevations, and tall side gable walls, details which would be reflected in the appeal scheme. No 63 to the west of the site is also a semi-detached dwelling, though it is lower in height, and with different massing and detailing to No 61. The storey heights of the proposed dwelling would broadly reflect the proportions of No 61, but it would be set at a slightly lower level so the ridge height would step down sympathetically towards No 63.
7. Although the proposed dwelling would have accommodation on three floors, the top storey would have rooflights on the front roof slope; neither of those things are uncommon along Moor Lane, and the use of rooflights here would be entirely in keeping with the streetscene. There would also be rooflights on the side-facing roof pitches of the rear part of the building, so the use of the roofspace as living accommodation would be relatively discreet here too. Only on the rear-facing gable wall would there be a full window for the second floor, but this would be in keeping with the proposed form of the dwelling, and arguably considerably more sympathetic to the character and appearance of the area than many of the various box dormers already found nearby.
8. The proposed dwelling would be deep but relatively narrow, but this would not make it an incongruous building in a street where many houses have side and rear extensions so that there is considerable variation in building depths. Both No 61 and No 63 have side extensions (with one and two storeys, respectively); the different roof heights between those properties and the proposed dwelling would help to break up the built massing, and would prevent the appeal development appearing unacceptably cramped on its plot. The setting back of the front elevation a little way behind those of the neighbouring houses (which are not quite on the same building line) would prevent the new dwelling harmfully dominating the extensions on either side.
9. The side elevations of the new dwelling would be set in around 1m from the plot boundaries. The side extension of No 61 is built to the boundary line, while the side extension of No 63 is also set around 1m from the boundary. Although the new dwelling would be set very close to its neighbours, it would be in keeping with the prevailing pattern of development, including generally very short side separation distances, along Moor Lane.
10. The development would require the removal of the front boundary wall to No 61, in order to provide two off-street parking places each for the existing property and the proposed dwelling. There are examples of double-width, and even triple-width, driveways nearby on Moor Lane, so the provision of parking on that scale is not unprecedented in the neighbourhood. The appeal scheme would include the

planting of a new hedge on the side boundary between No 61 and the proposed dwelling, and new trees close to the street boundary, which would go a considerable way towards softening the impact of the parking areas. While I have some sympathy with the Council's view that the total loss of the boundary wall would be regrettable, I find that these details mean that the front of the development would not be visually dominated by car parking.

11. The Council did not comment in respect of materials, but the submitted information and drawings indicate that, among other things, the dwelling would have brick-faced walls and a natural slate roof; these would be high-quality materials in keeping with the wider area. The Council considered that the outbuilding at the rear would be subservient to the main dwellings, and acceptable in other respects; I see no reason to take a different view on that matter.
12. Taking all these points together, I conclude that the development would not cause unacceptable harm to the character or appearance of the area. It would not therefore conflict with Policies SD2 and SE1 of the 2017 Cheshire East Local Plan Strategy ("the CELPS"), Policy GEN1 of the 2022 Cheshire East Site Allocations and Development Policies Document ("the SA DPD"), or with Policy H2 of the 2019 Wilmslow Neighbourhood Plan. Together, and among other things, those policies seek to ensure that development delivers high-quality design and reinforces character and identity, including having regard to height, scale, form and grouping, massing of development, materials, and external design features.

### *Living conditions*

13. The proposed dwelling would be set some 5.2m or so forward of the side extension at No.63. There is a first-floor bedroom window on the front elevation of that extension; in respect of that window the proposed dwelling would comply with the well-understood "45 degree rule" applied by the Council, and would not be intrusive or overbearing.
14. The Council's officer report referred to the height and front projection of the proposed dwelling causing "overshadowing [sic; I assume that this was meant to read 'overshadowing'] to the first floor front window in No. 63, which serves a habitable room". It is not entirely clear whether this is intended to mean the same extension window, or the bedroom window on the principal front elevation. In either case, though, as the proposed dwelling would be to the north-east of No 63 it would not lead to significant overshadowing or loss of sunlight.
15. A side-facing first-floor window within the original part of No 63 serves a landing area which is a reasonably large space. I understand that the occupier of that dwelling uses the landing area as a home office and study. The side elevation of the proposed dwelling would be somewhere in the region of 5m from that window but, given that that space is still essentially a landing rather than a habitable room (in terms set out either in the development plan<sup>1</sup> or in the relevant BRE guidance<sup>2</sup>), I do not consider that this would lead to any significant loss of amenity in the neighbouring dwelling. It is notable also that the development plan does not seek to set minimum separation distances for side-to-side relationships.

<sup>1</sup> In the supporting text to Policy HOU13 of the SA DPD

<sup>2</sup> Site layout planning for daylight and sunlight – A guide to good practice – BRE, 2022

16. I therefore conclude that the proposed development would not cause unacceptable harm to living conditions for neighbouring occupiers. It would comply with Policy SD2 of the CELPS, and Policies HOU12 and HOU13 of the SA DPD. Together, and among other things, these policies seek to ensure that new development does not cause unacceptable harm to living conditions for neighbours, including in respect of privacy, loss of sunlight or daylight, or through being overbearing or dominant.

### **Other Matters**

17. I note comments by an interested party that the appeal site has been the subject of previous refused planning applications over the years. However, while I understand that some people will find it frustrating when this happens, it is permitted by the system; my role is to determine this appeal on the basis of the planning merits and impacts of the specific proposal before me.
18. Following the December 2024 changes to the Framework, the Council acknowledged on 13 March 2025 that it was not able to demonstrate a 5-year supply of deliverable housing sites. However, as I have not found that the proposal conflicts with the development plan, it is not necessary for me to consider the question of whether the so-called “tilted balance” set out in Paragraph 11 of the Framework should be applied.

### **Conditions**

19. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. Where necessary I have changed the order or altered the proposed wording in the interests of clarity and effectiveness.
20. In addition to the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2).
21. To ensure that the external appearance of the dwelling is acceptable, and to protect the character and appearance of the area, a condition relating to materials (3) is necessary. However, I have referred specifically to the approved drawing where materials are specified in greatest detail.
22. A condition relating to drainage (4) is necessary to ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter and to ensure that the proposed development can be adequately drained, and to ensure that there is no flood risk on or off site resulting from the proposed development.
23. Although the submitted plans include some details of existing ground levels and proposed finished floor levels, a condition requiring the submission of further information (5) is necessary to ensure that any proposed changes in ground levels are acceptable. Finally, a condition requiring the submission of further information in respect of biodiversity (6) is necessary to comply with the provisions of Policy SE3 of the CELPS.
24. No justification was put forward for requiring conditions 4, 5 and 6 to take effect pre-commencement, as was proposed by the Council. I have therefore reworded them so that they allow demolition work to take place before taking effect.

## **Conclusion**

25. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

*M Cryan*

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 plans:
  - Location Plan (17 October 2024)
  - Location & Site Plans PROPOSED (Drawing A.02.1 Rev E, 8 October 2024)
  - Floor Plans PROPOSED (Drawing A.02.2 Rev F, 8 October 2024)
  - Elevations PROPOSED (Drawing A.02.3 Rev F, 8 October 2024)
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing A.02.3 Rev F.
- 4) Other than demolition works, no development shall take place until a detailed drainage strategy/design, associated management/maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage design must also include:
  - (a) Surface water run-off rates
  - (b) Storm water design periods and intensity and any temporary storage facilities included, to ensure adequate drainage is implemented on site. Any tests or investigations taken out during this stage must be in accordance with BRE365 and CIRIA guidance.
  - (c) Detailed boundary drainage
  - (d) Management and Maintenance plan.The development shall only be implemented in accordance with the approved details.
- 5) Other than demolition works, no development shall take place until details of the existing ground levels, proposed ground levels and the level of the proposed floor slabs shall be submitted to the Local Planning Authority for approval in writing. Details which receive the written approval of the Local Planning Authority shall be implemented in full, unless alternative details are otherwise approved in writing by the Local Planning Authority.
- 6) Other than demolition works, no development shall take place until a strategy for the incorporation of features to enhance the biodiversity value of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be permanently installed in accordance with approved details prior to the occupation of the approved development.