



Appeal Decision

Site visit made on 19 May 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/R0660/W/25/3359776

Brampton, Horseshoe Lane, Alderley Edge, Cheshire East SK9 7QP

- 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 Nick Whittaker against the decision of Cheshire East Council.
 - The application Ref is 24/1696M.
 - The appeal proposal is described as: proposed dwelling and construction of new garage.
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Decision

1. The appeal is allowed and planning permission is granted for proposed dwelling and construction of new garage at Brampton, Horseshoe Lane, Alderley Edge, Cheshire East SK9 7QP in accordance with the terms of the application, Ref 24/1696M, subject to the standard Biodiversity Gain Plan (BGP) condition set out under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990, and the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

Reasons

3. The appeal site (Brampton) is set back behind Wilmslow Road, which is lined with substantial trees and hedges, giving it a strong sylvan character. North of the appeal site along this road there are views into open fields and sporadic built development, including the car park of a commercial premises. In the vicinity of the appeal site, the rural character gradually begins to give way to an edge of settlement, more developed character. Further south, there are glimpse views through the trees towards substantial modern buildings, and the edge of a housing estate on the opposite side of the road. A defining feature of the area around the appeal site is a sense of spaciousness and set back of houses behind mature trees.
4. Brampton and Avonmore are a pair of sizeable semi-detached dwellings with large gardens. They are notable for their relatively unaltered Edwardian style architecture. Some trees have been recently removed from the site, along the border with Horseshoe Lane, which appear to be trees numbered T4 and T8 on the site plans. The dwelling and its garden are noticeable in the street scene, in part due to the tree removal. As the appeal proposal would be sited forward of the host dwelling in the front garden, I do not consider the area to be 'backland.'

5. The proposed dwelling would be sited in the spacious front garden of Brampton. It would be prominent from, and close to Wilmslow Road, and its presence would be more pronounced due to the loss of trees and hedging on the external boundary.
6. However, it would also be viewed within the edge of settlement context of the somewhat manicured landscaped hedging fronting the commercial premises, with its signage and car park, and other buildings come into view, a short distance further south. A building in this location would therefore not be out of context. It would also be relatively low-profile, incorporating first floor accommodation within the various roof formations, and sited in a subservient position on a lower ground level than Brampton. Its principal elevation and access would also be close to, and visible from Wilmslow Road, reducing the harm of presenting a rear elevation to the main road. For these reasons, whilst the proposal would erode spaciousness, I do not consider that it would be to a harmful degree in this context, nor would the presence of the building be a discordant feature within the street scene.
7. The appellant's Arboricultural Statement categorises the removed trees. T8 was a category C 'low quality' tree, and T4 was category B, 'moderate quality'. Neither were subject to statutory restrictions. The tree removal has occurred irrespective of the proposal before me. It has resulted in the erosion of the sylvan character of the site boundary. However, the proposed landscaping scheme incorporates replacement trees and hedging around the borders with Horseshoe Lane and Wilmslow Road, including in front of the domestic fence. Over time, and with appropriate upkeep, this scheme would soften the development and assist in integrating it into the area, mitigating for the loss of existing trees and the small section of hedge adjacent to the access.
8. The Council places emphasis on the context of Edwardian villas, including the building line and long front gardens. With the exception of the appeal site and Avonmore, much of the villa context has been eroded through the development of large residential homes and similar apartment style buildings that present their backs to Wilmslow Road. Whilst there is a building line, it is not a strong visual feature in this particular location, due firstly to the roadside trees and hedges blocking extended street wide views, and secondly, the differing scales and era of development. In this regard, I have also taken account of planning permission, Council Reference 240962M. This is planning permission for an additional large apartment building, replacing a ruinous villa, protruding forward from that original building line.
9. The dwelling's design inspiration has been taken from Harden Lodge to the north. The historic map shows the lodge located at the entrance to Harden Park, with the main large house located remotely at the end of a long driveway. Contextually, the appeal site and its surroundings are different, and do not promote the requirement for a gatehouse. However, I consider that the appeal proposal is not overtly in a gatehouse or lodge style, due to its modern appearance, and large garden. As such I do not consider that the architectural context would be confused.
10. The Council asserts that the plot ratio would be out of character with its immediate surroundings, citing concerns of overdevelopment. The appellant's calculations provide a detailed comparison with other plots, concluding that the appeal site remains one of the least dense. In the absence of evidence to the contrary, I find that the proposed density is not out of keeping with the character of the area.

11. For the above reasons I conclude that the proposed dwelling would not have a harmful effect on the character and appearance of the area. Accordingly, I find no conflict with the provisions of the Cheshire East Local Plan. Namely, Policies SE1 and SD2, Local Plan Strategy, 2010 – 2030, 2017, (LP Strategy) and, Policy GEN1 of the Site Allocations and Development Policies Document, 2022 (Allocations DPD). It would also accord with Policy AE2 of the Alderley Edge Neighbourhood Plan. These policies require, new development to contribute positively to a sense of place, reinforcing local distinctiveness including respecting landscape character and relationship to neighbouring properties by following design principles. It would also not conflict with the Allocations DPD policy HOU14, insofar as it refers to determining an appropriate density in terms of responding to the character of the surrounding area.

Other Matters

12. Due to the topography, intervening distances, relationship between windows and subservient scale of the dwelling, the proposal would not result in any significant loss of privacy or reduction in light, for the occupants of the neighbouring house. The position of the dwelling was amended taking account of proximity to existing trees. Whilst the resultant development is likely to still be shaded, this is not an unusual garden environment in the locality. As planning applications are determined on their own merits, and with the absence of compelling evidence to the contrary, I see no reason why the proposal would prejudice any future development proposals on the adjoining land.
13. Neighbour concerns relating to shared drainage are noted. There are likely to be technical solutions with regard to dealing with any pipework that crosses the site, but these would primarily be addressed through the Building Regulations and consultation with United Utilities rather than through the planning process. Nevertheless, it will be important to ensure that the scheme incorporates principles of sustainable drainage. In respect of the statutory framework for Biodiversity Net Gain (BNG), it is noted that the Council was satisfied it had sufficient information to determine the application and I have little basis to find otherwise. It has been demonstrated that BNG cannot be secured on site, and the appellant has demonstrated an intention of purchasing off-site habitat units.

Conditions

14. The Council has provided a list of suggested planning conditions. These have been agreed by the appellant, including pre-commencement conditions. I have considered these conditions against advice contained in the Planning Practice Guidance, and where necessary I have amended them to remove superfluous wording.
15. I have attached the standard time limit condition and a condition specifying the approved plans to provide certainty. A condition requiring materials to be as specified on the approved plans is necessary to secure a development sympathetic to the area. Biodiversity enhancement measures and seasonal protection for nesting birds are required in the interests of environmental improvement and species protection. Tree protection measures and hard-surfacing specifications are required pre-commencement to protect the wellbeing of existing trees with a strategy that is in place before work takes place that may disturb trees. Drainage details are required pre-commencement as it is necessary to implement

a strategy of sustainable drainage and flood risk management prior to work taking place and secure its long-term maintenance.

16. In addition to the conditions agreed by both parties, I have included a condition to ensure the landscaping scheme is carried out and maintained in the interests of environmental improvement and to secure a development sympathetic to the area. I have also included the hours of construction condition recommended by the Environmental Health consultee in order to protect the living conditions of neighbouring occupiers from undue disturbance.
17. The Environmental Health consultee also requested conditions requiring a dust management plan and a requirement to conform to a gas-boiler specification. I consider that these conditions would not be reasonable or necessary, and I note that the Council has not included them in their recommended list. The statutory BNG condition applies directly, so there is no requirement to duplicate it in my decision.

Conclusion

18. For the reasons set out above, I conclude that the appeal proposals would not be contrary to the development plan as a whole. As such, it is unnecessary to further consider the question of housing supply and presumption in favour of sustainable development contained in national policy, as this would not alter the outcome of my determination against the development plan. The appeal should therefore be allowed.

E Heron

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 approved drawings: location plan; AP06 Rev D 'Site Plan As Proposed'; AP07 Rev A 'Ground Floor, First Floor and Roof Plan as Proposed'; AP08 Rev B 'North East and South East Elevations as Proposed'; AP09 Rev B 'North West, South East & South West Elevations as Proposed'; 'Proposed Planting'.
- 3) The external materials to be used shall be in accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the use of any building materials in the new development 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.

- 5) No removal of any vegetation 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 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)
 - (a) No development or other operations shall take place except in complete accordance with the tree protection measures identified in the Arboricultural Statement and Tree protection plan dated 4th July 2024, 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 construction period, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- 7) No development shall take place until details of an engineer designed no dig hard surface construction specification for any area of hard surfacing within the root protection area of retained trees has been submitted to and approved by the Local Planning Authority. These details shall also include the proposed details of the materials for the final wearing surface. The development shall be implemented in accordance with the approved details.
- 8) 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 & 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.

(e) Provision for the long-term retention of trees.

The development shall only be implemented in accordance with the approved details.

- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling, or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) Demolition or construction works shall take place only between Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00; No demolition or construction works shall take place on Sundays and Public Holidays.