



Appeal Decision

Site visit made on 20 May 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2025

Appeal Ref: APP/R0660/W/25/3360447

129 Gravel Lane, Wilmslow, Cheshire, SK9 6EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Ms F & C Pecora against the decision of Cheshire East Council.
 - The application Ref is 24/0335M.
 - The development proposed is described as 'detached house to be built within the curtilage of 129 Gravel Lane Wilmslow'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal scheme relates to an outline proposal, with all matters reserved for future consideration. I have considered the appeal scheme accordingly. Plans have been submitted, both at the application and appeal stage, which indicate how a dwelling could be accommodated on the site. I have taken these plans into account for indicative purposes only.

Main Issue

3. The Council's decision notice outlines two reasons for refusal. However, one of the reasons for refusal, which relates to highway safety, has been withdrawn at the appeal stage. Thus, the main issue is:
 - the effect of the proposal on the character and appearance of the area, with particular regard to the protected tree.

Reasons

4. The appeal site relates to a detached property, located within a predominantly residential area. The appeal property is set back from the road and has a drive and a detached garage to the side. To its side and front, along Gravel Lane, there are several trees and a hedgerow. One of the trees is protected by a Tree Preservation Order. The greenery provided by the trees and the other vegetation is a positive feature of the appeal site, which contributes positively to the verdant character and appearance of the area.
5. The proposal seeks to subdivide the existing plot, to remove the existing drive, the garage, and two of the trees, in order to build a detached dwelling to the side of No 129 Gravel Lane. Following the Council's refusal regarding the removal of a protected tree, the appellants stated that they do not want to proceed with the removal of the protected tree. The Council has accepted that the protected tree

would be retained but maintained the second part of its second reason for refusal regarding lack of evidence. I have considered the proposal on this basis.

6. The protected tree is a mature, large tree located next to the existing drive and has a prominent position within the street scene. I noticed at my site visit that its broad, mature canopy overhangs the highway and the northern part of the appeal site, and thus provides a substantial leafy presence, which makes a significant contribution to the character and appearance of the street scene.
7. Whilst the submitted plans are solely illustrative, in the absence of detailed evidence, such as an Arboricultural Impact Assessment, and having regard to the extensive canopy of the protected tree, I am unconvinced that a dwelling could be erected on the proposed plot without damaging the protected tree. Accordingly, the proposal fails to demonstrate that a detached dwelling could be accommodated on the proposed plot without threatening the health and life-expectancy of the protected tree, and thus causing significant harm to the character and appearance of the area.
8. In conclusion, in the absence of sufficient information to contrary I must find the proposal harmful to the protected tree, and thus to the character and appearance of the area. Accordingly, it would be contrary to Policy SE 5 of the Cheshire East Local Plan Local Plan Strategy 2010 – 2030 adopted 2017, Policy ENV 6 of the Cheshire East Local Plan Site Allocations and Development Policies Document adopted 2022, and Policy LSP2 of the Wilmslow Neighbourhood Plan, which collectively require developments, amongst other things, to retain and protect trees, particularly those that provide a significant contribution to the amenity and character of the surrounding area. The proposal is also contrary to the aims of the National Planning Policy Framework, which at paragraph 136 emphasises the important contribution of trees to the character and quality of urban environments and states that existing trees should be retained wherever possible.

Other Matters

9. I understand that the appellants have not been satisfied with the Council's service. Nevertheless, I have considered the proposal solely on its planning merits, and due to the reasons set out above the development is unacceptable.

Conclusion

10. For the reasons set out above, the appeal is dismissed.

Andreea Spataru

INSPECTOR