



Appeal Decision

Site visit made on 13 June 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/R0660/W/25/3362415

114 Gravel Lane, Wilmslow, Cheshire East SK9 6LZ

- 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 Michael Regan against the decision of Cheshire East Council.
 - The application Ref is 23/4541M.
 - The development proposed is demolition of existing dwelling and erection of 2 no. dwellings and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted two amended plans, and it is requested that I determine the appeal on this basis. The first updates a comparison plan which was submitted for indicative purposes only and shows the existing elevations alongside the appeal proposal and applications for prior approval. The second amended plan omits a first-floor side window from bedroom 2 of proposed Unit A which faces the flank elevation of proposed Unit B.
3. These amended plans would not involve a substantial difference or fundamental change to the proposed development. The second amended plan specifically seeks to address part of the Reason for Refusal relating to separation distances between the two proposed houses, rather than between the proposed houses and neighbouring properties. As such, accepting the plans would not deprive those who should have been consulted on the changed development of the opportunity of such consultation. I have therefore based my decision on these amended plans.
4. The second Reason for Refusal refers to 6 Halstone Close, but it is clear from the correspondence from the parties that this should be 6 Halstone Avenue.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupiers of 6 Halstone Avenue and 110 Gravel Lane, with regards to privacy; and

- whether the proposed development would provide acceptable living conditions for the future occupiers, with regards to outlook and natural light.

Reasons

Character and appearance

6. The site is occupied by a modest, detached red brick bungalow set back from Gravel Lane. It has an open frontage and is located on the corner of Shenhurst Close. The area has a verdant residential character, with a mixed typology of houses, varying in styles and ages. The majority of dwellings are 1.5 or 2 storeys high, detached or semi-detached houses. Like many other properties on either side of Gravel Lane, the existing bungalow is considerably set in from its boundaries. Although it has fallen into disrepair, the site contributes positively to the green and spacious quality of the area, which is particularly visible on this corner.
7. The plot adjacent to the site has been subdivided and a pair of detached houses, 116 and 116A Gravel Lane, have been constructed which occupy the corner of Halstone Avenue. These noticeably occupy much of their respective plot widths in comparison to the original pattern of development.
8. The proposal is for the demolition of the existing bungalow and the erection of 2 detached dwellings. They would be set back from Gravel Lane, yet forward of the existing building line, and slightly forward of Nos 116 and 116A. The proposed houses would be the same design, but opposite, 1.5 to 2 storey in height with dual pitched roof and hipped ends. To the fronts, half of the elevations would have a single storey with a dormer window above, alongside 2-storey gables which would sit just below the ridgeline of the main roof.
9. In terms of siting, the side elevation and pyramid roof of the existing bungalow are visible over the existing hedgerow with Shenhurst Close. However, its low profile provides a sense of space and openness on this side of Shenhurst Close. The set back siting of the proposed houses would help to retain some of the open character of the site. The north side elevation of Unit B would be offset a similar distance from the boundary as the existing garage and would contain a sloping roofline to the front, hipped details on the flank and a sloping roof to 1.5 storeys eaves line to the rear. These features would break up the impression of built form. However, the house would project over a significantly greater depth than the existing garage. As a result, it would be a substantial and conspicuous addition at the entrance of Shenhurst Close to the detriment of the spacious and open character of this corner.
10. Furthermore, the northern most dwelling, Unit B, would be sited close to the boundary of Shenhurst Close and both houses would occupy a much greater proportion of the width of the plot than the bungalow. This would create a row of closely spaced houses along this section of Gravel Lane between Halstone Avenue and Shenhurst Close. This would be to the detriment of the spacious character of the area, even considering the appellant's asserted low build to plot ratio of 30%.
11. The design, detailing and materials of the houses would reflect others along Gravel Lane, notably they would have a similar roof form to Nos 116 and 116A and the pair of houses on the opposite side of Halstone Avenue. This would result in

some cohesion in the appearance of houses along this part of Gravel Lane. However, they would be taller than Nos 116 and 116A, due to the differing ground levels between the respective plots, and this would result in them appearing more prominent in the streetscene.

12. Consequently, the taller height of the houses, combined with the close spacing and depth of the dwellings, would result in a cramped and overly dense form of development, which would fail to reflect the prevailing character of the area.
13. I therefore conclude that the proposed development would have an unacceptable effect on the character and appearance of the area. It would conflict with policies SE1 and SD2 of the Local Plan Strategy 2010-2030 (2017) (LP), Policy H2 of the made Wilmslow Neighbourhood Plan (NP) and Policy GEN1 of the Site Allocations and Development Policies Document (2022) (SAD). Together, these seek to ensure that development is of high-quality design which makes a positive contribution to an area's character, protecting and enhancing quality and distinctiveness, including in terms of height, grouping and massing of development and relationship to neighbouring properties.

Living conditions

14. The proposed houses would have 2 windows on the rear elevation at first floor. However, one window would serve an ensuite bathroom and would have opaque glass. Unit A would have a second window serving a bedroom, whilst Unit B would have a high level bedroom window, which could be obscure glazed.
15. The guidance at paragraph 38 (Volume 2) of the Cheshire East Borough Design Guide (2017) (CEDG) is that ideally extended rear gardens of around 15m length to new gardens should be allowed for it to be sympathetic to those established properties and residents within them. The first-floor rear elevation of each house has been set off the ground floor such that, consistent with this guidance, the windows would be around 15m from the shared boundary with the neighbour to the rear at 6 Halstone Avenue (No 6). However, the CEDG also states at paragraph 110 that separation distances should be seen as a guide rather than a hard and fast rule.
16. In this case, the rear elevation of the proposed houses would face directly toward the back garden of No 6, which is sited at right angles to the appeal site. They would extend across most of the relatively modest length of the garden, which I observed to be well used, very private and not currently overlooked by neighbours. The garden includes a patio area with seating, and an area of decking with access to a bedroom, which are located adjacent to the common boundary. The existing boundary landscaping and fencing would provide some screening, but this would only be partial, and most of the rear garden of No 6 would be overlooked by the bedroom window of Unit A.
17. Even though opaque glazing is proposed to two windows, and a third could be obscure glazed, the introduction of a window would nevertheless result in an intrusive level of overlooking into a garden where there is currently none. This would include areas of the garden which are close to the dwelling and where you would reasonably expect a good degree of privacy. Despite compliance with the CEDG numerical guidance, the orientation of No 6's garden means that the overlooking from the proposed window be very keenly felt by the occupiers of No 6. It would significantly reduce the enjoyment of their rear garden.

18. There would be 2 windows, serving a bedroom and hallway, on the northern side elevation of Unit B. These would face toward 110 Gravel Lane (No 110), which is located on the opposite side of Shenhurst Close. The distance from this window to the side (garden) boundary of No 110 would be similar to the distance between the rear windows of the proposed houses and the common boundary with No 6. However, the windows would overlook a detached garage and shed which is sited on No 110's boundary with Shenhurst Close. Large parts of the garden would remain private and consequently, there would be no unacceptable harm to the living conditions of these neighbours.
19. However, the proposed development would cause significant harm to the living conditions of the neighbours at No 6, with regards to loss of privacy. It would conflict with LP Policy SE1 and SAD Policy HOU12 which seek to ensure that development does not cause unacceptable harm to nearby occupiers of existing residential properties due to a loss of privacy.

Standard of living accommodation

20. SAD Policy HOU13 requires that proposals for housing development should generally meet the standards for space between buildings set out in Table 8.2, unless the design and layout of the scheme and its relationship to the site and its characteristics provides an adequate degree of light and privacy. The standard for a 1 or 2 storey building in Table 8.2 for a habitable room facing a non-habitable room, or a blank wall, is 14m.
21. The amended plan submitted with the appeal omits a secondary first-floor side window to bedroom 2 of Unit A which would have faced the flank elevation of Unit B. However, there would be a window to the first-floor study of Unit B which would be only around 2m from the flank of Unit A. A study is defined as a habitable room. In accordance with 2.i) of SAD Policy HOU13, the proposed development would be set 1m from the side boundary, but the distance from the study window to the blank wall of Unit A would fall well short of the 14m standard.
22. However, the policy allows for these standards to be applied flexibility based on the individual layout and circumstances of the development. The study would be afforded outlook and natural light, but this would be limited because of the proximity of the flank wall opposite. Nevertheless, I conclude that overall, the proposed development would provide an acceptable standard of living accommodation for future occupiers. It would accord with SAD Policy HOU 13 in so far as it requires proposals to generally meet the standards of space between buildings *unless* the design and layout provides adequate light between buildings.

Other Matters

23. The appellant has sought to address the concerns raised by the Inspector in respect of the previous appeal scheme for this site, which was dismissed last year¹. I have made my decision on the proposal before me, but I have nevertheless had careful regard to the amendments made. However, for the reasons given above, I do not find the previous Inspector's concerns in respect of the harm to character and appearance and to the living conditions of the neighbours at No 6 have been adequately addressed.

¹ APP/R0660/W/23/3328331

24. The existing bungalow could be extended under permitted development (PD) rights afforded by Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). The appellant has submitted a plan showing a comparison between the appeal proposal, and the front elevation of the existing bungalow if it were to be extended either over single storey to the side and rear, or upward with an additional storey.
25. A Certificate of Lawful Use or Development has been issued by the Council in respect of the side and rear extension, but I note that two applications for Prior Approval (PA) for the upward extension have been refused. The appellant has provided the decision notice for the second PA application. This shows that it failed to comply with the limitations set out in the GPDO only because of overlooking from the rear windows. The overall external appearance of the resulting house on the elevation fronting the highway (to Gravel Lane) was found acceptable. Consequently, I am satisfied that there is a real prospect that the side and rear extension, or an upwards extension, would be built should this appeal fail, and as such there is a fallback position.
26. However, the PD alternatives would be a single dwelling, not two houses. For both the upward and side and rear extension, the overall bulk and massing of the built form would be less than the proposal before me. Despite the side extension projecting toward the boundary with No 116, in both alternatives there would be a greater impression of space around the dwelling, particularly at first floor level. Moreover, although the rear extension would project closer to the shared boundary of No 6 this would only be single-storey so would not result in the degree of overlooking I have found. Therefore, for either alternative presented, the fallback position would be less harmful than the appeal proposal and it does not provide any justification for it.
27. The appellant has referred to a scheme in Adlington Road, Wilmslow² which involved the demolition of a dwelling and replacement with 5 houses. Here, the rear of two of the proposed houses faced the side boundary of the neighbour at a shorter distance than the appeal proposal and had either a first-floor balcony or floor to ceiling windows. Although the appellant has provided an extract from the approved site layout for this scheme which shows the distances from the boundary, the location of the neighbouring dwelling and the extent of their garden is not clearly shown.
28. Similarly, although I note they deal with similar issues to the appeal proposal, I have no substantive evidence of the context or character of the local area to which the Inspectors refer in respect of the scheme at Moss Road, Alderley Edge³ or Moor Lane, Wilmslow⁴. However, in respect of the first, I note from the approved plan in the appellant's evidence that, whilst sited close to one another, the two new houses would be well offset from the neighbouring dwelling on Moss Road.
29. A further example has been referred to in Hill Top Avenue, Wilmslow⁵. This also shows a similar separation between the proposed two houses and the neighbouring property as the appeal before me, and no unacceptable harm to the amenity of adjacent neighbours in terms of overlooking or loss of privacy was

² LPA ref. 23/1802M

³ APP/R0660/W/22/3300898

⁴ APP/R0660/W/25/3358601

⁵ LPA Ref. 22/2111M

found by the Council. The context of this site is not known but I note that the scheme involved the replacement of a dormer bungalow, rather than bungalow, which may have had existing windows facing the boundary.

30. Therefore, on the evidence before me, the examples provided by the appellant are not directly comparable to the appeal proposal before me, and they lend little support to it.
31. Finally, I acknowledge the appellant's concerns regarding the narrative of third parties, and from the submission of all parties, I am aware of the sequence of events in respect of amendments to the proposal and the determination date of the planning application. I also note that the appellant sought to work proactively with the Council. However, these are not matters which have had a bearing on this appeal, which I have considered solely on its planning merits.

Planning Balance and Conclusion

32. The delivery of two dwellings would make a small but valuable contribution to local housing supply. Moreover, the proposal would make efficient use of an under-utilised site within a well-established residential area, with good accessibility to a range of services and facilities including by modes other than the private car. Despite the small scale of the development, I afford these benefits significant weight.
33. The new houses would exceed minimum space standards and would provide adequate car parking and private amenity space. The Council is also satisfied that an appropriately worded planning condition requiring the submission of an ecological enhancement strategy and landscape plan would meet the policy requirements in respect of biodiversity and loss of garden space. However, policy compliance on these matters attracts neutral weight, weighing neither for, nor against the proposal.
34. LP policies SE1 and SD2, NP Policy H2 and SAD policies GEN1 and HOU12 with which the development conflicts accord with the Framework. Therefore, the conflicts I have found above attract full weight in this case.
35. The Council can demonstrate only a 3.8-year housing land supply, which is less than the minimum level required by footnote 8 of paragraph 11d) of the Framework. Therefore, paragraph 11d)ii. is engaged, which states that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including the key policies cited.
36. The development would align with the Framework where it seeks to increase the supply of housing and where it gives great weight to the benefits of using suitable sites within existing settlements for homes. It acknowledges that small-scale development can make an important contribution to meeting the housing requirements of an area, often built out relatively quickly. The Framework further promotes an effective use of land and gives substantial weight to the value of using suitable brownfield land within settlements. These matters would attract significant weight in favour of the scheme.
37. The proposal would conflict with the Framework where it seeks to achieve well-designed places recognising that good design is a key aspect of sustainable

development and is fundamental to what the planning and development process should achieve. The Framework further requires that development that is not well designed should be refused, and decisions should ensure that development adds to the overall quality of an area and are sympathetic to local character. They should also create places with a high standard of amenity for existing and future users. I give this conflict substantial weight.

38. I therefore find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
39. For the reasons set out above, I conclude that the appeal proposal would be contrary to the development plan and there are no material considerations, including policies in the Framework, that indicate a decision should be taken other than in accordance with it. Therefore, the appeal is dismissed.

R Gravett

INSPECTOR