



Appeal Decision

Site visit made on 11 July 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Appeal Ref APP/R0660/W/25/3362430

Thomas Cottage, 18 Congleton Road, Alderley Edge, Cheshire East, SK9 7AB.

- 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 Noel Power against the decision of Cheshire East Council.
 - The application Ref is 24/0363/M.
 - The development proposed is demolition of existing house and garage and the construction of a new dwelling, garage and access.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house and garage and the construction of a new dwelling, garage and access at Thomas Cottage, 18 Congleton Road, Alderley Edge, Cheshire East, SK9 7AB, in accordance with the terms of the application, Ref 24/0363/M, and subject to the conditions set out in the Schedule appended to this decision.

Main Issues

2. The main issues are the effect the proposed development would have on the character and appearance of the site, surrounding area and street scene within the Alderley Edge Conservation Area (CA) and its effect also on a group of protected lime trees.

Reasons

Character and Appearance – Alderley Edge CA

3. The Alderley Edge CA, as a whole, is largely characterised by its cohesive sylvan quality, with varied prestigious 19th and 20th century villas situated in generous plots and generally well-screened by mature trees. Congleton Road, in particular, is broadly typical of the CA in this regard, save that Woodlands Court, adjacent to the appeal property, Thomas Cottage, is larger and more prominent and less well screened than its neighbour and other houses along Congleton Road.
4. In this context, Thomas Cottage, set back on ground sloping away from its Congleton Road frontage, appears relatively recessive in the street scene, whereas its proposed replacement would be of more substantial proportions and modern revivalist style, with multiple gables and steep pitched roofs. However, given the degree of separation and tree screening from its neighbours, I do not consider that, in style and overall appearance, the new dwelling would appear out of place in context. I therefore accept that it would seem appropriate to the established urban

- grain of this part of the CA. Moreover, the new dwelling would be placed further back from Congleton Road and set into the steeply sloping ground, such that that it would seem equally as comfortable within the street frontage as its predecessor.
5. I am satisfied too that the replacement dwelling, occupying a footprint comparable with that of the existing buildings, would be a sufficient distance from its boundaries to avoid any unacceptable adverse impact on its neighbours, such as by way of dominance or visual impact and I do not think the proposed revised vehicle entrance would interfere with safe access at Woodlands Court.
 6. Thus, having taken full account of the objections of Alderley Edge Parish Council and local residents, I consider that, in terms of its architectural style, layout and siting, the proposed replacement dwelling, garage and access would have no adverse impact on the character or appearance of the site, surrounding area and street scene within the Alderley Edge CA. In these respects, the CA would be preserved, in terms of Policy HER3 of the Cheshire East Site Allocations and Development Policies Document (SADPD).
 7. In these same respects the development would also be compliant with the other provisions of the development plan cited by the Council to ensure sustainable development of good design, protecting the historic environment; namely Policies SD1-2, SE1, SE7 and ENV3-5 of the adopted Cheshire East Local Plan Strategy (CELPS) and Policy AE2 of the made Alderley Edge Neighbourhood Plan (AENP).

Protected Trees

8. Notwithstanding my foregoing findings on the first main issue of character and appearance within the Alderley Edge CA, there remains the matter of the effect of the necessary earthworks on a protected group of trees at the southern side boundary of the site and, in particular, a substantial lime tree, Ref T6 in the submitted arboricultural impact assessment (AIA). This tree stands closest to the corner of the proposed replacement house. Like the rest of its group, the tree makes a significant contribution to the amenity of the mature sylvan quality of the Alderley Edge CA. Any significant risk to the wellbeing of this group of trees that would result from the earthworks associated with the construction of the house would be unacceptable in the context of preserving the character and appearance of the CA.
9. However, the submitted drawings and AIA indicate that, on plan, the root protection area of tree T6 would not be substantially compromised by the works. Moreover, an existing paved area behind the present house is likely to have restricted and diverted root growth already, whilst proposed hard paving would not extend as close to tree T6 as the existing paving.
10. From the application plans alone, it is difficult to determine how the ground levels between the building and the trees at the southern boundary might be altered by the earthworks needed to set the proposed dwelling into the steeply sloping ground of the rear garden. However, from a cross-section provided with the appeal, and from inspection on site, it does not appear to me that the roots and general wellbeing of the trees, and T6 in particular, would be harmed by excavation works and altered ground levels due to the development. Importantly though, that is subject to suitable precautions and protection measures secured by planning condition.

11. A further concern of the Council is that the closer proximity of the replacement dwelling to the trees, compared with the present house, is likely to give rise to a demand for excessive pruning, in order to maintain a sufficient level of natural light reaching the rear windows and terrace. However, despite the rearward re-siting of the replacement building, the available back garden space would remain generous, despite its gradient, whilst that to the front would be enlarged with scope for new landscaping. In the circumstances, I consider that a satisfactory spatial and social relationship could be maintained between the protected trees and the rear of the house and the back terrace.
12. Therefore, I have formed the view that the appeal proposal is to be regarded, in this respect too, as compliant with CELPS Policy HER3, in preserving the character and appearance of the CA, as well as with SADPD Policies ENV3 and ENV6 and AENP Policy AE9, together requiring respect for the landscape and the protection of significant mature trees.

Other Matters

13. Having considered every matter raised in the representations, I believe that other planning effects regarding such as biodiversity, drainage and safe access could also be controlled by planning conditions. Other conditions are appropriate to ensure compliance with the approved plans, suitable finishing materials, biodiversity enhancements, advance approval of earthworks details and finished ground levels, landscaping and first occupation as a self-build home as proposed.
14. I note a small degree of material planning benefit that one new, modern, self-build dwelling would bring to the local housing stock, albeit there is currently a sufficient five-year housing land supply in the district. This adds to the case for the appeal to some extent.

Conclusion

15. I note the consistency of all the policy provisions I reference above with national planning policy and I am content that the development proposed in this appeal would be compliant with the development plan as whole.
16. For the reasons explained and subject to the conditions I have outlined, I conclude that this appeal should be allowed.

B J Sims

INSPECTOR

APPENDIX

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby approved shall commence within three years of the date of this permission.
2. The development hereby approved shall be carried out in total accordance with the following approved plans:

291.01	Location Plan dwg.
291 Rev. B	Site Plan dwg.
291. 04 Rev. A	Proposed Ground Floor Plan dwg.
291.05 Rev. B	Floor Plan dwg.
291.06 Rev. A	First Floor Plan dwg.
291.07 Rev. B	Dwelling Sections dwg.
291.07 Rev. A	Proposed Front and Rear Elevations dwg.
291.08 Rev. B	Proposed Side Elevations
291.10 Rev. B	Site Sections dwg.
CLDL-2429-01 Rev. P04	Landscape Masterplan dwg
3. No development involving the use of any facing or roofing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Prior to the first occupation of dwelling the existing access to the site shall be permanently closed and the boundary hedge reinstated.
5. No development shall take place until a detailed drainage strategy/design plan for the site has been submitted to and approved in writing by the Local Planning Authority, in accordance with Gov.UK - 'Standing Advice for Local Planning Authorities' (2022).

The submitted Drainage Strategy must include:

- i) Surface water run-off rates, including greenfield qBar and post-development run-off estimates, ensuring greenfield rate run-off is matched, unless proven unfeasible, or 50% betterment for brownfield sites, with a restricted discharge rate not exceeding 5l/s per hectare and not lower than 2l/s per hectare.
- ii) Details of hydraulic design up to 1 in 100+CC% Storm Event in accordance with Gov.UK Climate Change Allowances.
- iii) Details of any boundary drainage to ensure any flooding remains within the site and that if calculations show flooding on site, that the developments/properties will be safe.
- iv) Design in accordance with the drainage hierarchy (Non-Statutory SuDS Technical Standards Guidance (2016) Paragraph 3.7).
- v) Details of pipe diameters, slope angles, cover levels and invert levels.
- vi) Demonstration that foul and surface water drain via separate systems.

- vii) Details of hydraulic modelling for all storm durations, detailing the critical storm duration, from 15 minutes to 10 day, with the 1 in 100+CC% Storm Event also utilised.
 - viii) Details of full management and maintenance schedule for the drainage strategy to cover the lifetime of the development, including contact details of the responsible party and any inspection and test plans. The approved drainage details shall be implemented prior to the first occupation of the development.
6. Prior to first occupation of the dwelling 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 submitted strategy shall include the provision of features for nesting birds and roosting bats. The approved biodiversity enhancement features shall be permanently installed in accordance with approved details prior to the first occupation of the development.
 7. Prior to commencement of development details of any earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include existing levels and contours, proposed levels and contours to be formed and the relationship of the proposed earthworks to existing vegetation, buildings, boundaries and the surrounding landform. The development shall be carried out only in accordance with the approved details.
 8. Prior to the first occupation of the dwelling, 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.
 9. The approved landscaping plan shall be completed in accordance with the following:-
 - a) All hard and soft landscaping works shall be completed, in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations.
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season

by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

10. The dwelling hereby permitted shall be constructed as a self-build and custom housebuilding dwelling as defined in the 2015 Self-Build and Custom Housebuilding Act (as amended by the 2016 Housing and Planning Act), and the following provisions apply:
 - i. The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling.
 - ii. The Local Planning Authority shall be notified of the person(s) who intend to take up first occupation of each unit in the development hereby permitted at least two months prior to first occupation.