



Appeal Decision

Site visit made on 17 September 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/R0660/W/25/3366622

Eskdale, Legh Road, Knutsford, Cheshire East WA16 8LS

- 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 and Mrs Cawson against the decision of Cheshire East Council.
 - The application Ref is 24/3234M.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants have submitted amended plans at the appeal stage which seek to address the Council's concerns regarding the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regard to privacy. The Council has had the chance to comment on the amended plans. Although the appeal's process should not be used to evolve a scheme, I am satisfied that in this case, given my overall decision, accepting the amended plans would not prejudice other interested parties. Therefore, I have considered the proposal based on the amended plans.

Main Issues

3. The main issues are the effect of the proposal on:
 - Eskdale, a non-designated heritage asset (NDHA), and whether the proposal would preserve or enhance the character or appearance of the Knutsford Legh Road Conservation Area (CA);
 - Trees; and
 - The living conditions of the occupiers of neighbouring dwellings Legh Lodge and Hazelfield, with particular regard to privacy.

Reasons

Heritage assets

4. The appeal site relates to a parcel of land located to the rear of a detached dwelling, Eskdale, and lies within a low-density housing area, in the CA.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. National policy on

heritage assets is set out in the National Planning Policy Framework (the Framework). At paragraph 202 it states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

6. The Knutsford Legh Road Conservation Area Appraisal and Management Plan (CAA) outlines several character areas, one of which is Character Area B The Legh 'Knutsford Estate'. The appeal site is part of the Character Area B, which has as important characteristics the detached villas that sit in generous garden plots with mature tree planting. Legh Road developed from 1866, when a covenant set out the terms for the development of land and building plots. The covenant set out the intention that private dwelling houses only would be permitted and that these should be limited in density to one or two per acre, with the exception of ancillary buildings, identified as lodges. Accordingly, the established pattern of development, to which the appeal site contributes, and which defines this part of the CA, is a fundamental element of this area.
7. One of the negative factors identified within the CAA is higher density of modern development, which has started to erode the sylvan character where garden space has been reduced to accommodate larger dwellings and ancillary buildings. Furthermore, the CAA highlights the importance of the established building lines, which are key components of the various Conservation Area character areas and contribute to what makes each area distinct. When considering development, the immediate context of each of the plots needs to be considered. Insofar as is relevant to this case, the significance of the CA derives from the architectural detailing and the spacious, verdant layout of the traditional buildings within in.
8. Eskdale is set back from the road, follows an established building line, and sits within spacious grounds. Insofar as is relevant to this case, its significance lies primarily in its architectural interest arising from its traditional design and age.
9. The appeal site is bounded by mature hedgerows on all sides and includes mature trees and other well-established vegetation. It is visually separated from the rear garden of the host dwelling through a wooden gate and a hedgerow. The greenery and spaciousness of the appeal site make a positive contribution to both the setting of the NDHA, and to the character and appearance of the CA.
10. The proposal would subdivide the original plot of Eskdale and would introduce a detached dwelling to the rear of the plot, which would disrupt the established pattern of development and considerably reduce the spaciousness and greenery of the plot. The secluded position of the proposed dwelling and its associated detached garage, particularly in regard to views from Legh Road, does not justify or mitigate the disruption to the established pattern of development and the reduction in the spaciousness and greenery of the plot.
11. Whilst in the context of the original plot of Eskdale the density of development would remain around 2 dwellings per acre, the proposal would introduce a dwelling that would be at odds with the established building line, particularly in the context of the host dwelling and the adjacent neighbouring dwellings. The subservience of the dwelling in relation to Eskdale and the proposed materials, which would reflect those of Eskdale, are not sufficient to make the proposal acceptable. Accordingly, due to its siting, the development would appear as an incongruous addition which would be harmful to both the setting and significance of the NDHA and the significance, character and appearance of the CA.

12. In terms of the approach set out in the Framework at paragraph 216 regarding NDHAs, given the scale and nature of the development, the arising harm would be less than substantial. Given the importance of the green and spacious plot to the setting of the NDHA, within the 'less than substantial' category of harm, the proposal would cause moderate harm. Paragraph 216 also sets out that in such circumstances, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
13. Given the scale of the proposal and the extent of the conservation area, harm to the significance of the CA would be low within the less than substantial category. Due to the impact of the proposal on the CA, the identified harm should be weighed against the public benefits of the proposal in accordance with paragraph 215 of the Framework.
14. I understand that this proposal would be particularly beneficial for the appellants, as it would allow them to downsize in a wheelchair accessible house while remaining in the area. The proposal would thus add to the housing stock and there would also be some economic benefits, particularly during the construction phase. However, these considerations attract limited weight as public benefits. As such, the public benefits are not sufficient to outweigh the harm I have identified, harm which, given the requirements of the Act, carries great weight. Taking a balanced approach, it would also have an unacceptable effect on the setting and significance of the NDHA.
15. The appellants have drawn my attention to a certificate of lawful development for the erection of a poolhouse¹, which would occupy a similar position to the proposal, at the rear of the plot. I do not find the proposal directly comparable to this ancillary development, particularly due to the difference in the nature of the developments. Furthermore, the introduction of a detached dwelling with its associated paraphernalia and level of activity would have different implications for the setting of the NDHA and the character and appearance of the CA as identified above. Likewise, due to the difference in the nature of the development between the proposal and the annex of Legh Lodge, the proposed dwelling is not directly comparable with Legh Lodge's annex, despite the similarity in terms of their location to the rear of the plots.
16. For the above reasons, the proposal would be detrimental to the NDHA and would fail to preserve or enhance the character or appearance of the CA. Thus, it would not meet the statutory requirements of the Act. Furthermore, the development would be contrary to the aims of Policies HER 1, HER 3, HER 7, GEN 1 of the Cheshire East Local Plan Site Allocations and Development Policies Document 2022 (LP SADPD), Policies SE 7, SE 1, SD 2, SE 4 of the Cheshire East Local Plan Strategy 2010 – 2030 adopted 2017 (LPS), and Policy HE2 of the Knutsford Neighbourhood Plan 2019, which collectively require that, amongst other things, development should be appropriate to its context and protect and enhance historic assets. The proposal would also conflict with the aims of the Framework, as set out above.

Trees

17. The proposed dwelling and its associated garage would be in proximity to several mature trees, most of which are located outside the appeal site. Notwithstanding this, their canopies extend over the appeal site's boundary, and their presence

¹ LPA ref: 24/0761M

contributes positively to the character and appearance of the site and to those of the CA.

18. Policy SE 5 of the LPS states that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area will not normally be permitted. Policy ENV 6 of the LP SADPD also seeks to retain and protect trees and states that proposals must be informed by an arboricultural impact assessment.
19. The submitted Arboricultural Impact Assessment & Method Statement dated June 2024 (AIA & MS) indicates that access facilitation pruning would be required to tree numbers 15 & 16 (T15 & T16), which are located to the rear of the plot. The report states that pruning would be kept to the minimum to provide a 2 metres easement to the dwelling. The lower canopies that encroach over the site would also require lifting to a height of 6 metres. It concludes that no trees require removal, and none are adversely affected by the proposed works as construction is clear of canopies and designated root protection areas.
20. Whilst the dwelling would be in close proximity to trees, particularly Group G3 trees, T15 and T16, the evidence before me demonstrates that the proposal would not result in the loss of, or threat to the health and life expectancy of trees and any future proposals for tree works would be subject to individual assessments given the location of the trees within the CA.
21. Accordingly, subject to a condition to ensure that the tree protective measures and method statement, as outlined within AIA & MS, are implemented, the proposal would be acceptable in terms of its effect on trees. Accordingly, there would be no conflict with the aims of Policy SE 5 of the LPS and Policy ENV 6 of the LP SADPD as set out above. Policies SD 1, SD 2 of the LPS refer to sustainable development; solely in regards to the effect of the proposal on trees, there would be no conflict with the aims of these policies.

Living conditions

22. The Council's initial concerns were related to the effect of the proposed dwelling's first-floor windows located on the northern and southern elevations on the living conditions of the occupiers of neighbouring properties Legh Lodge and Hazelfield.
23. The amended drawings indicate that some of the first-floor windows on the northern elevation would have privacy glass. Roof windows are proposed for the carers bedroom and carers kitchenette/living room for additional light. Notwithstanding the proximity of the dwelling to the boundary with Hazelfield, given the existing mature trees and hedgerow that provide substantial screening, coupled with the proposed privacy glass for some of the first-floor windows, the proposal would not increase the levels of overlooking to such a degree as to adversely affect the privacy, and therefore the living conditions, of the occupiers of Hazelfield.
24. The dwelling would be set away from the boundary shared with Legh Lodge. The annex of Legh Lodge does not have any windows in the elevation facing the appeal site and there is considerable screening provided by the established vegetation and trees between the properties as to protect their private amenity space. As such, the proposed first-floor windows on the southern elevation would not be detrimental to the living conditions of the occupiers of Legh Lodge with regard to privacy.

25. Accordingly, the proposal would be acceptable in terms of its effect on the living conditions of the occupiers of Hazelfield and Legh Lodge, with particular regard to privacy. Therefore, solely with regard to the effect on living conditions, it complies with the aims of Policies SE 1 and SD 2 of the LPS, and Policies HOU 10 and HOU 12 of the LP SADPD, which collectively seek to protect the amenity of the residents.

Planning Balance and Conclusion

26. I have found that the proposal would have an acceptable effect on trees and on the living conditions of the occupiers of Hazelfield and Legh Lodge with regard to privacy. However, these are neutral matters rather than ones that carry positive weight for the development.

27. I have concluded that the proposal would harm the NDHA and would fail to preserve or enhance the character or appearance of the CA. Despite the Council's inability to demonstrate a five-year housing land supply, given the harm identified in relation to the CA designation, paragraph 11(d) of the Framework relating to the presumption in favour of sustainable development is not engaged. Nevertheless, the benefits of the scheme, as outlined and considered in the *Heritage assets* section above, which include the addition of a dwelling to the housing stock, do not justify or outweigh the identified harm.

28. Accordingly, for the reasons set out above, the appeal should be dismissed.

Andreea Spataru

INSPECTOR