



Appeal Decision

Site visit made on 6 October 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/R0660/W/25/3368285

Land at Penrith Court, Congleton, Cheshire CW12 4JF

- 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 Sam Cook against the decision of Cheshire East Council.
 - The application Ref is 24/3661C.
 - The development proposed is described as: 'Erection of new single 3-bedroom dwellinghouse on vacant plot'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address has been described in different terms on the application form and decision notice. For clarity, I have used the address provided by the Council on its decision notice as this appears to be a more concise description of the site's location. I also note that the appellant has adopted the same site address in the appeal form.

Main Issues

3. The main issues are:
 - The effect of the loss of open space on the character and appearance of the area, with particular regard to relevant development plan policies; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers of 6 Penrith Court and 11 Arnside Avenue, with particular regard to outlook, light and privacy.

Reasons

Character, appearance

4. Policy REC1 of the Cheshire East Local Plan, Site Allocations and Development Policies Document (SADPD) seeks to prevent the loss of open space, unless one or more of a range of criteria are met, including that the space is surplus to requirements. The definition of open space relevant to the appeal, is incidental open space too small to be on the policies map, but which is of public value for informal recreation or visual amenity.
5. Policy SE6 of the Cheshire East Local Plan, Local Plan Strategy 2010 – 2030 (Local Plan Strategy) seeks to deliver a good quality, accessible network of green

spaces for people to enjoy, providing for healthy recreation and biodiversity, providing a range of social, economic and health benefits. In doing so, the policy seeks to safeguard and retain green infrastructure, as well as enhance it through development of networks and corridors.

6. The site is within a residential area of two-storey houses that are of a similar style. They generally share a uniform building line and face outwards along short interconnected stretches of road, accessed from longer distributor roads. Houses are set back behind front gardens and driveways and there is a general sense of space particularly at road junctions.
7. The appeal site is laid to grass, with a tree and hedge sited within it. It occupies a prominent position at one end of Penrith Court and also forms part of the street scene of Windermere Drive. It is not typical of the area insofar as it prevents a through route for vehicles, however it has a sense of space and orderliness akin to road junction locations and is a centrepiece to an attractive walking route. It contributes to the cohesive layout of the residential area for this reason, as does its soft landscaped appearance. The walkable pavement on either side, in keeping with road junction locations has an open aspect and good surrounding surveillance.
8. There is limited evidence of its use and value for informal recreation due to its size and simplicity. At the time of my site visit, it was enclosed by a post and wire fence, and the grass had an unmanaged rather than manicured appearance, but this did not detract from the sense of spaciousness around it. It is also in private ownership and is not subject to any formal designations. It nevertheless meets the criteria for incidental open space as it has public value for visual amenity.
9. The development would introduce a solid mass of building, walls and fencing up to the boundary with the pavement on either side and would close the gap between Penrith Court and Windermere Drive. Even though the dwelling would have an acceptable appearance, it would harmfully erode spaciousness and the interconnectivity between the two streets. Moreover, the quality of the walking route on either side would be significantly diminished due to the enclosing effect of the building and boundary treatment. This would be particularly oppressive on the northern side, where the boundary treatment would be taller, and there would be no surveillance from habitable room windows. It would no longer be a good quality, desirable walking route for people to enjoy.
10. The site can be enclosed by a low-level wall with a hedge¹, and the grass may not be regularly mown. Even if that were the case, such an enclosure would have a less deleterious effect on the area, as the spacious quality of the area would be retained, as would the verdant quality of the walking route.
11. The proposed loss of open space would therefore harm the character and appearance of the area and would conflict with the relevant provisions of Policies SD2, SE6 and SC3 of the Local Plan Strategy, and Policies REC1 and GEN1 of the SADPD. Amongst other things, these policies require reinforcement of local distinctiveness, safeguarding green infrastructure and opportunities for healthy living through safe, inclusive environments, and through retention of incidental open spaces.

¹ LDC decision, Council Ref: 24/0288C.

Living conditions

12. Policy HOU13 of the SADPD refers to space standards between buildings. It states that the space standards should be seen as a minimum where it impacts on existing property, and that standards for space should be met for new housing development, unless the design and layout and its relationship to the site and characteristics provides an adequate degree of light and privacy between buildings. The space standard sets a guidance distance of 14 metres between a habitable room facing a non-habitable room (including a blank wall).
13. No 6 Penrith Court (No 6), is set back behind its own front garden with an open aspect outlook across the appeal site towards Windermere Drive and the gable of No 9 Windermere Drive. The side wall of the development would be directly opposite the ground floor habitable room windows of No 6, at a distance of approximately 8 metres. The space between first floor windows of No 6 and the proposed roof slope, would still be significantly below 14 metres. Even with a sloping roof and use of varied material palette, the entire side elevation of the development would dominate the outlook from all front-facing habitable room windows of No 6. This would create a harmful overbearing effect, particularly in comparison with the current outlook, or indeed the outlook were the site to be enclosed by a low-level wall with hedge.
14. Whilst a hedge enclosure may grow over time, as a living verdant entity its height would not be fixed, being subject to growth or pruning, and it would not be a solid stark feature. Its qualities and effects would be quite different to the impact arising from the proposed increase and proximity of the proposed built form.
15. The orientation, siting and height of the development would be such that the proposal would not lead to a detrimental loss of natural daylight or overshadowing to No 6, and the daylight modelling assists in demonstrating this. Whilst the Council considers there to be a loss of light, it has not been explained why that may be the case.
16. No 11 Arnside Avenue (No 11), has a tall boundary hedge enclosing the garden, is separated from the site by the highway, and has no habitable room windows facing towards the appeal site. The development would also be further from the garden of No 11 than other directly facing existing properties. Taking these factors together, the proposal would not cause a loss of privacy to No 11.
17. Even so, the development would harm the living conditions of neighbouring occupiers of 6 Penrith Court with particular regard to outlook. In this regard the development would conflict with the relevant provisions of Policy SD2 of the Local Plan Strategy, and Policies HOU12 and HOU13 of the SADPD. Amongst other things, these policies require new development to contribute positively to the relationship with neighbouring properties, adhere to space standards and not cause unacceptable harm to amenities of nearby occupiers.

Other Matters

18. The appellant has stated that the dwelling would conform to building regulation standards, and there are no restrictive designations such as Green Belt. Previous highway safety concerns have also been resolved, and the design has been amended from previous iterations in an attempt to address the Council's

concerns. However, these are neutral factors that weigh neither for nor against the proposal.

Planning Balance and Conclusion

19. It is common ground that the Council are unable to demonstrate the necessary five-year supply of deliverable housing sites (5YHLS) in accordance with the Framework. The current deliverable housing land supply amounts to 4.6 years, which represents a modest shortfall.
20. In accordance with paragraph 11 d) ii. of the Framework, planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
21. Weighing in its favour, the proposal would, by way of one dwelling, modestly assist with the Government's objective of boosting housing supply and would make efficient use of land, providing a family-sized home in an accessible location. It would also contribute to the local economy such as through construction jobs, and future occupants would support local businesses and services including for future maintenance of the dwelling.
22. However, all the benefits combined, for a single dwelling are relatively modest. They are significantly and demonstrably outweighed by the harm to the character and appearance of the area and the living conditions of neighbouring occupiers, having particular regard to the need to achieve well-designed places, which I have concluded the scheme does not achieve. Thus, the proposal does not benefit from the presumption in favour of sustainable development and for the reasons set out above, I therefore conclude that the appeal should be dismissed.

E Heron

INSPECTOR