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## Appeal Decision

Site visit made on 1 April 2019

**by Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 April 2019

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**Appeal Ref: APP/R0660/W/19/3219884**

**Cloverdale, Chelford Road, Prestbury SK10 4AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Property Capital Plc against the decision of Cheshire East Council.
  - The application Ref 18/3030M, dated 18 June 2018, was refused by notice dated 25 October 2018.
  - The development proposed is demolition of an existing dwelling and the erection of 10 no. apartments with associated landscaping and infrastructure.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on: (i) the character and appearance of the area; and (ii) the living conditions of nearby residents, with regards to privacy and overbearingness.

### Reasons

#### *Character and appearance*

3. The appeal site comprises of a detached bungalow and a detached double garage within a spacious verdant plot to the south-west of the centre of Prestbury which offers a range of facilities and services. Mature trees and shrubs populate the site, especially along its southern boundary. Beyond here is Prestbury Golf Club and land within the Green Belt. Ground levels fall from the road to the south and Spencer Brook which passes through the rear of the site. Vehicular access is taken from Chelford Road which is characterised by residential dwellings of a mixed type and style. In general, properties on the southern side of the road have a low-scale and are set within spacious plots. Dwellings facing the site are elevated and generally larger detached and semi-detached properties ranging between single storey and two and half storeys.
4. The Prestbury Supplementary Planning Document explains that Prestbury is a medium sized village which has expanded over time with new low-density housing set within large well landscaped grounds. The site lies on the edge of the village and within an area of the village referred to as the eastern tip of Chelford Road and Spencer Brook in the Prestbury Village Design Statement (PVDS). This area is characterised by larger garden plots which tend to be associated with older and pre-war houses which were constructed along the principal roads radiating from the centre. These larger properties and their

well-established gardens and mature trees positively contribute to the distinctive visual quality of this approach to the village centre.

5. Saved Policy DC41 of the Macclesfield Borough Local Plan (MBLP) says that infill housing development or redevelopment will be subject of the listed criteria. Of these, criterion 1 says that "in area which enjoy higher space, light and privacy standards than the minimum prescribed standards, then new dwellings should meet the higher local standard." The PVDS also explains that new development should have regard to the different densities within the different parts of the parish. PVDS Appendix 1 sets out the established density of development for the area applicable to the appeal site. The average plot size in this grouping is 0.189 hectares, which equates to 5.29 dwellings per hectare.
6. The site is roughly 0.3 hectares in size, and the proposed development would lead to a density of 33 dwellings per hectare. This considerably exceeds the guidance in the PVDS. However, paragraph 122 of the National Planning Policy Framework (the Framework) and Policy SE 2 of the Cheshire East Local Plan Strategy 2010 – 2030 (CELPS) both advocate the efficient use of land. Emerging policy HOU 12 of the First Draft Site Allocations and Development Policies Document (DPD) encourages a higher density of development in Local Service Centres. Despite its broad consistency with the Framework, this policy carries limited weight due to its stage of preparation and as I do not know the extent of any unresolved objections. Moreover, Framework paragraph 118 c) and d) supports the use of sites such as this for development.
7. Despite the appellant company's reference of Framework paragraph 123 and the PVDS's explanation that there are limited opportunities within the parish for new sites, the Framework, CELPS Policy SE 2 and emerging DPD Policy HOU 12 all explain that proposals should maintain the prevailing character and density of development in the area. This approach follows that taken in the Orme Close<sup>1</sup> decision. While I also note the Brundred Farm<sup>2</sup> decision, my assessment will be based on the appeal scheme's own planning merits.
8. Framework paragraph 127 c) seeks developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
9. The appellant company refers to the Springfields decision<sup>3</sup> in presenting figures comparing the percentage of land that would be occupied by development on the site and that on neighbouring properties. Some of the properties compared are on the northern side of the road and thus do not have the same form of development as that to the south. Furthermore, it seems that the figures presented only relate to buildings and not other development such as hardstanding. Given the large extent of this proposed to the west of the site, the percentage of land occupied by development is likely to be considerably greater than that stated.
10. The existing vehicular access would be replaced by a pedestrian access and landscaping. A new vehicular access and external parking area would be formed to the west of the proposed building. I note driveways associated with nearby dwellings characterise their layout. These are softened by good-sized

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<sup>1</sup> Appeal Decision Ref: APP/R0660/W/18/3194596

<sup>2</sup> Appeal Decision Ref: APP/R0660/W/17/3174840

<sup>3</sup> Appeal Decision Ref: APP/R0660/W/18/3193064

areas of landscaping. The proposed parking area would be tight to the site's front boundary. Railings and landscaping would help to some extent mitigate the introduction of this large area of hardstanding so close to the road, but the area would be read in conjunction with the site's new vehicular access. I therefore agree with the Council that this aspect of the proposal would dominate the street scene.

11. The design of the proposed building seeks to replicate the appearance of a large detached house and it would make best use of the site's ground levels. The road contains a variety of architectural styles. Thus, despite the contrasting views expressed by the Council, the proposal would reflect this overall diversity and take architectural cues from the area.
12. Although there are two and half storey properties facing the site and the ground levels do fall from north to south, the proposed building would be sited nearer to the road than the existing bungalow. I acknowledge that the proposed building has been sited in response to feedback provided, and so that it would be away from Spencer Brook, but, in tandem with the building's proposed scale and massing, the appeal scheme would be out of keeping with the modest scale of development on this side of the road which, together with mature landscaping forms a pleasant edge to this part of the village.
13. There are aspects of the appeal scheme that are satisfactory, and the Council's concerns about the use of Fastigate Oaks, along with the placement and effect of landscaping could be resolved through a planning condition to secure a high-quality soft landscape that could help integrate the development into its wider environment<sup>4</sup>. As such, this aspect of the scheme would not conflict with CELPS Policy SE 4. An increased density on the site may not in itself equate to harm. However, when the proposed scheme is considered in the round, there would be a substantial uplift from the density in the PVDS, and I do not consider that the proposal would be a sympathetic addition to the area having regard to its character and appearance. This is as a result of the scheme's scale, massing, density and overall extent of built form which would result in a prominent form of development.
14. For the reasons set out above, despite my findings in respect of CELPS Policy SE4, I conclude, on this issue, that this is outweighed by the significant harm that would stem from the proposal's effect on the character and appearance of the area. Thus, the proposal would conflict with CELPS policies SD 1, SD 2, SE 1 and SE 2, saved MBLP Policy DC41, the PVDS and Framework paragraph 127. These policies and guidance jointly seek high quality development that makes an effective use of land and is sympathetic to and makes a positive contribution to its surroundings in terms of local character and distinctiveness.

#### *Living conditions*

15. Beverley, to the east, is a detached dwelling with two windows facing the site. I understand from the occupants that these windows serve habitable rooms with a dual function as bedrooms and sitting rooms. The property also has windows serving each room in the front and rear.
16. The proposed building's north-east elevation would contain multiple large window openings serving habitable rooms and balconies at ground, first and second floors. These would all offer direct views towards Beverley's flank

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<sup>4</sup> Planning Practice Guidance Paragraph: 007 Reference ID: 26-007-20140306

elevation, especially from the upper floors. The plans show that the intervening distance would range between around 20.7 metres and 21.8 metres, which would be considerably short of the distance set out in MBLP Table 4. Explanatory Note 3 says that the space criteria apply where the sole or principal window faces a habitable room. Neither facing window in Beverley would be the sole window, and Table 4 does not set out distances insofar as secondary openings. However, both windows facing the site are of a good size and in my view, at least one of them could function as a principal opening.

17. Trees and a native hedgerow are proposed to supplement the retention of existing trees on the site's eastern boundary. The appellant company is also willing to accept a planning condition to secure a comprehensive landscape scheme. While both may provide screening, the landscaping would take time to establish and there are no guarantees that it would remain. The distances in Table 4 may be guidance only, but the proposal's inability to meet these and provide adequate mitigation leads me to consider that the proposal would adversely affect the privacy of the occupants of Beverley. However, given the proposed relationship, I am not of the view that excessive overshadowing would arise as the Council suggest.
18. Residents' living opposite the site are concerned about the proposal's effect on their living conditions, among other things, but the proposed intervening distance would accord with Table 4, and thus MBLP policies DC38 and DC41. Nevertheless, I conclude, on this issue, that the proposal would result in significant harm to the living conditions of the occupants of Beverley, with regards to privacy. Hence, the proposal would not accord with MBLP policies DC38 and DC41 which jointly seek to ensure housing development meets the space guidelines to safeguard the privacy of neighbouring residents.

*Other matters*

19. While there would be an increase in vehicle movements, I do not share residents' concerns about the proposal's effect on highway safety and parking provision given the proposed layout and amount of off-street parking proposed.
20. I recognise the appellant company's efforts to engage with the Council with a view to finding a solution to their concerns, and the subsequent amendments made to the scheme. I also note the points made about the Council's approach in considering the proposal, but it is open to the appellant company to produce the necessary information with a view to finding a solution.
21. Regardless of whether the Council is currently able to demonstrate a five year supply of deliverable housing sites, the proposal would make a modest contribution to the supply of houses in the area. However, this does not alter or outweigh my findings on the appeal scheme that I have set out above.

**Conclusion**

22. For the reasons set out above, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR