

**STRATEGIC PLANNING BOARD
9 SEPTEMBER 2009**

APPEALS

Application Number: P08/0926

Appellant: Joan Barclay and David Barclay

Site Address: Land at Crewe Road, Hatherton, Nantwich, CW5 7QY

Proposal: Detached dwellinghouse

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 24th July 2008

Appeal Decision: Dismissed 4th August 2009

MAIN ISSUES:

The Inspector considered that there are three main issues in the appeal; the acceptability of the proposed development having regard to the planning policies that govern development of this type of location; the effect of the development on the character and appearance in the area in terms of the trees on the site that are subject to the TPO and the hedgerow on the site frontage; and the effect of the proposal on the living conditions of the prospective occupiers of the proposed dwelling.

INSPECTOR'S REASONS:

Hatherton is a hamlet which is centred generally at the crossroads formed by the B5071 Crewe Road, Park Lane and Hunsterson Road. There are a handful of dwellings of various age, size and design which are dominated, physically and visually by an area of mature woodland. The trees on the appeal site are subject to a Tree Preservation Order (TPO).

In relation to the first issue, the site is designated as open countryside by Local Plan policy NE.2 where there is general presumption against development unless it is essential for certain specific purposes such as agricultural, with the exception being where there is an opportunity for the infilling of a small gap with one or two dwellings in an otherwise built-up frontage. The Inspector notes that there is no criteria relating to visual matters in relation to infilling, and considered that the juxtaposition and siting of the dwellings along Crewe Road constitute a small, defined, built-up frontage as required under the justification for the Policy. The total length of the frontage from the crossroads to the north-western boundary of Oak View is some 170m, the individual frontage of these dwellings vary in length between 30m and 35m, the appeal site frontage is some 40m. The Council consider that a 40m wide site is not a small gap and especially as the distance between existing dwellings is some 60m. However, the Inspector considers that in this

particular context that it is both reasonable and realistic to conclude that the site generally reflects the dimensions of the neighbouring plots and as such constitutes a small gap within terms of Policy NE.2.

In relation to the second issues, the Inspector notes that there are mixed coniferous and deciduous trees on the site which are densely planted and have extensive crowns, it is contiguous with the other mature trees that form the woodland that enshrouds the settlement on its northern side and which provides it with its particular sylvan character and appearance, which is especially noticeable along Crewe Road, where the trees on the site mitigate the visual effects of the buildings in this rural location. The proposal involves removing a significant percentage of the trees on the appeal site, estimated by the appellants to be some 31%, which includes a number of health category C trees. The scheme also includes removing a substantial section of the existing natural hedgerow to provide an access to the highway with the necessary visibility splays. The Inspector states that the effect of the scheme would open up the site to the road, destroying the present sense of enclosure that is an integral part of the function and appearance of the woodland within the settlement, and considers that replacement planting set back from the road would not replicate the integrity and presence of the existing woodland as the built form of the new house and drive would be clearly described from the road and is therefore contrary to Local Plan policy BE.2.

In relation to the third issue, the Inspector states that the proposed dwelling would be set amongst the remaining trees and these trees are mature species with generally extensive crowns. The plans submitted were not accurate as they did not show the whole spread of the crowns of the trees. The Inspector states that it was evident on the site that because of their size and proximity the trees would provide a very high degree of shade to the habitable rooms of any design of dwelling placed there. The disposition of the remaining trees and intense shade provided would also preclude the establishment of a pleasant garden area in which the residents could enjoy outdoor living. 'The whole effect would be sombre and depressing, and to imply that some people would enjoy living in such an environment is somewhat specious'. The Inspector agrees with the Council that there would be pressure from prospective occupiers to remove trees to provide better living conditions, which is apparent from the clearance of trees from the adjacent property Oak View. The Inspector therefore considers the proposal to be unacceptable, and therefore dismissed the appeal.

The appellant submitted an application for partial award of costs against the Council. The application failed and no award of costs was made.

IMPLICATIONS FOR THE COUNCIL:

This is another excellent decision for the Council. In particular the Inspector considers the loss of a significant number of "Category C" quality trees to be unacceptable, because they were of group value within the landscape.

He also attaches considerable weight to the long term implications for the trees. Problems of overshadowing, detritus, overbearing influence of trees etc. can lead to early requests for pruning or felling works to otherwise healthy trees which would not be required if development had not been permitted immediately adjacent to them.

The costs decision is also an excellent outcome and of particular note, in that the inspector, supports the requirement for a full tree survey, even on an outline planning application. Furthermore, he considers that the Council adopted a perfectly reasonable approach in refusing to enter into protracted pre-application discussions having explained clearly to the applicant that, due to the presence of the trees, the site was unsuitable, in principle, for residential development.

Application No: 08/0929P

Appellant: Mr. Brian Jervis, Vale and Vale

Site Address: Apartment 11, Kingsbury House, St Hilary's Park,
Alderley Edge, SK9 7DA.

Proposal: Proposed balcony/terrace to apartment 11 – amendment
to approval 07/2393P

Level of decision: Delegation

Decision: Refused

Appeal Decision: Allowed

MAIN ISSUES:

Kingsbury House is situated in an elevated position, the north-west of the Alderley Edge Conservation Area. The site previously occupied a former school, which has since been replaced by the Kingsbury House Development. Alderley Edge is predominantly characterised by large dwellings set within spacious, well screened plots. Due to the elevated character of the site, the building is considered to be a landmark building in the area. The principle issues surrounding this appeal relate to the effect of the proposal on the character and appearance of the Alderley edge Conservation Area.

INSPECTOR'S REASONS:

Kingsbury House is of a sizeable scale and mass, requiring careful design to avoid issues of over dominance. To achieve such design objectives, a variety of features were introduced, to provide interesting and well balanced massing when seen from London Road.

A dominant feature, in views from the north, is an Italianate turret. In the councils view, the design of the existing gable feature to Apartment 11 is deliberately well proportioned to ensure the due prominence of the turret. In the inspectors opinion, the presence of a larger gable with a terrace in the roof area would not have a negative effect on the visual impact of the corner turret. The inspector considered the change on the gable pike and introduction of the roof terrace would give the roof a stronger presence when viewed from the north without harming the visual rhythm of the building's roof or the streetscene.

With reference to the Council's conservation area guidelines for residential extensions, the inspector considered that the proposal would respect the height, bulk and general form of the original building, remaining secondary to the original building.

The inspector concluded that the proposal would at least preserve the character and appearance of the Alderley Edge Conservation Area, compliant with the objectives of MBLP policies BE1, BE3 & BE12

IMPLICATIONS FOR THE COUNCIL:

Whilst disappointing, this is a site specific decision which raises no implications for other sites within the Conservation Area.

Application Number: 09/0871N

Appellant: Mr Kevin Harding

Site Address: The Limes, School Lane, Warmingham, Cheshire, CW11 3QN

Proposal: Two storey front and rear extension and single storey rear extension and demolish conservatory

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 4th June 2009

Appeal Decision: Dismissed 24th August 2009

MAIN ISSUES:

The Inspector considered that the main issue of the appeal was the effect of the proposal on the character and appearance of the area.

INSPECTOR'S REASONS:

The appeal site is situated within Warmingham, which the Inspector states is a linear village which stretches along School Lane, with the historic core centred on the church lying to the south of the appeal site. The housing is varied with some traditional cottages, a ribbon of established Council housing at the north-east end, and a modern cul-de-sac of detached houses by the River Wheelock.

The Inspector considered that the existing hipped-roof bungalow of The Limes and the adjacent similar property, Five Elms, add further to the mix of property types. The scale of the bungalows, the degree of set back of the two properties some distance from the road, and their heavily landscaped boundaries and gardens, results in low-key buildings in the street scene forming part of the overall sylvan character.

The Inspector states that the proposed two-storey addition to the property would significantly change the low-slung character by introducing a bulky central section and that the width and height of the first-floor element, including the roof, would be out of proportion with the smaller existing hipped roof elements at either end of the property. As a result it would be over-dominant and the upper storey would be clearly visible from School Lane, both along the frontage and from the northern approach, particularly during the winter months. The siting of the property and the softening effects of the surrounding vegetation would provide some mitigation. However this does not

outweigh the harm caused by the design of the first-floor which is inappropriate.

The Inspector also took into account that most dwellings in the village are higher than the appeal property and more easily visible in the street scene, and that the existing dwelling has no particular architectural merit. The Inspector considered that in this respect the principle of some increase in height of the building, possibly incorporating a central feature, may be acceptable, but the appeal scheme was unacceptable.

The Inspector considered that the lean-to single-storey extension would be small-scale and enclosed within the rear garden and therefore acceptable in isolation. However, he commented that the proposed two-storey extension would have an unacceptable impact on the character and appearance of the area and therefore conflict with Policy BE.2. The Inspector also concluded that the proposal would not respect the original dwelling or be subordinate to it and therefore, is also in conflict with Policy RES.11.

IMPLICATIONS FOR THE COUNCIL:

This is a good decision for the Council as the Inspector helped to define a subservient structure. The Inspector considered that the proposed development was too bulky and would over dominate the original property. The proposal would be highly prominent and would have an unacceptable impact on the character and appearance of the area. However, the Inspector did state that even though the application site was within the open countryside, some cognisance of the overall context should be taken into account when applying the policy and judging whether or not proposals would be subordinate. However the Inspector concluded that the proposal was contrary to Policies BE.2 and RES.11 of the Crewe and Nantwich Replacement Local Plan 2011.

It is also notable as it is the first appeal within the South Area to be determined under the new fast-track system. It is encouraging that despite the fact that the Council was unable to prepare a separate Statement of Case the outcome was favourable. This is testament to the quality of delegated reports produced by officers.

Application Number: P08/0462

Appellant: Mr M J Harris

Site Address: The Stables, Swanley Lane, Burland, Nantwich, Cheshire, CW5 8QB

Proposal: Extension to add another floor to a part of the property to provide two further bedrooms with en suite to No.1 and 2.

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 5th April 2008

Appeal Decision: Dismissed 11th August 2009

MAIN ISSUES:

The Inspector considered that the main issues of the appeal were the effect of the proposed development on the character and appearance of the converted stable building and the open countryside.

INSPECTOR'S REASONS:

The 'U' shaped former stable buildings are within the open countryside to the west of the settlement of Nantwich. The proposal site, formerly stables, are of a single storey height which have been converted to form two units of holiday accommodation. A number of minor alterations have been subsequently approved, including chimneys, a porch and conservatory on the southerly unit and permission exists to provide a similar conservatory on the adjacent unit to the north.

The Inspector notes that the appellant lives in one of the units and the other continues in use as holiday accommodation. The Inspector states that there has been no convincing evidence provided which suggests that the existing size of accommodation is unsuitable or unattractive for holiday let bookings.

The Inspector states that the alterations which have been undertaken since the original conversion are generally unobtrusive and modest in scale, and the building retains a simple character and appearance consistent with its former use as stables.

The Inspector considers that, the introduction of an entirely new floor above the existing building would not, harmonise or integrate with the existing character, scale or form of the building. The use of the bulls eye windows on

the front elevation would not reflect any immediately apparent local vernacular nor reinforce distinctiveness locally. The proposed first floor gable windows have a horizontal glazing pattern, which in combination with the rear chimney and additional porch type structure on the rear elevation would emphasise a more domestic appearance, and any sense of its former stable use would be lost. Furthermore, the extended building would have little in common with the original stable building which the development plan policies seek to protect.

The building sits in isolation on the eastern side of Swanley Lane and is physically and visually distinct from the group of dwellings to the south-west on the opposite side of the lane. The Inspector did not accept the appellants view that 'more is less' and that the proposed development would better relate visually to other two storey dwellings locally. He states that increasing the height of the building as proposed would emphasise its isolated position and make the resultant building much more prominent in the landscape sitting above the hedge, when viewed from the north and south.

The modest step in ridge line shown and the introduction of a slate roof would not sufficiently mitigate the harmful effects of the proposed development to the character and appearance of the building and the open countryside.

The Inspector states that the proposed development would fail to respect the design or form of the original building, which would be unacceptably harmful to the character and appearance of The Stables and conflicts with the requirements of Policies BE.2 and RES.11 of the Local Plan, and the proposed development would harm the character and appearance of the open countryside contrary to Policy NE.2.

The Inspector also notes that the appellant makes reference to another decision made by the Council which allowed a single storey building to be converted and enlarged. However this application was approved prior to the adoption of the current local plan and therefore is not a comparable case.

IMPLICATIONS FOR THE COUNCIL:

This is an excellent decision for the Council as the Inspector has highlighted the importance of design considerations in respect of additions and alterations to this converted stable block. It will assist the Council in resisting other proposals for inappropriate and overly domestic additions to converted rural buildings, which detract from their vernacular character. It also places weight on the former Crewe and Nantwich Borough Council's Extensions and Householder Development SPD and this prioritises the SPD as an important consideration in determining planning applications. The Inspector considers that the proposed development is contrary to the Policy aims of the Crewe and Nantwich Replacement Local Plan 2011 policies BE.2 and RES.11.

Application Number: P09/0163

Appellant: Mr W Tasker of Stonen Developments Ltd

Site Address: Rear of 'The Barns', Slaughter Hill, Haslington, Crewe, Cheshire, CW1 5UW

Proposal: Change of use of agricultural land to form extended domestic garden curtilages

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 3rd April 2009

Appeal Decision: Dismissed 4th August 2009

MAIN ISSUES:

The Inspector considered that the main issue of the appeal was the effect of the change of use on the character and appearance of the countryside.

INSPECTOR'S REASONS:

The appeal site lies within an area designated as 'Green gap' which adds to the importance of protecting the integrity of such land and justifies a stricter level of development control. The 2 dwellings have been formed from the recent conversion of an 'L' shaped former agricultural building and are currently being marketed for sale. The site lies to the north of The Barns in an area designated as open countryside and comprises a small part of a much larger field which wraps around the northern and western sides of the development. The eastern boundary is formed by a hedge alongside Slaughter Hill. The Inspector acknowledged that the land immediately to the north of the site currently has a somewhat 'scrappy' appearance and was not under cultivation at the time of the site visit. Nevertheless, he considered that there was nothing to suggest that the land could not be brought back in to agricultural use, or less worthy of protection.

The appellant proposed a hawthorn hedgerow to be planted on the boundary, and states that he would accept a condition reducing the height of the dividing fence. However, the Inspector states that regardless of restrictions imposed on the land the extended garden area would undoubtedly have a domestic appearance which would be harmful to the open quality of the surrounding countryside.

The Inspector states that the retention of the gap on the west side of Slaughter Hill between The Barns and Crewe Cottage to the north is particularly important in preventing erosion of the character of the countryside

and the Green gap, and whilst a gap alongside Slaughter Hill would still exist the reduction in its length would have a materially adverse impact on its integrity. The Inspector therefore concludes that the change of use would cause unacceptable harm to the character and appearance of the countryside, contrary to Policies NE.2 and NE.4 of the Local Plan.

The Inspector also notes that the appellant considered that the garden area provided with the permission for the converted barns was substandard for the size of the dwellings. The Inspector states that the garden sizes exceed the minimum standards advised in the Development on Backland and Gardens SPD by over 100% and therefore are considered to be adequate. The Inspector also states that in contrary to the view of the appellant, he does not consider that extending the domestic curtilage is essential for outdoor recreational and thereby an exception to Policy NE.2.

IMPLICATIONS FOR THE COUNCIL:

This is an excellent decision for the Council as the Inspector has highlighted the importance of the protection of the Open Countryside and Green Gap from domestic encroachment. It will assist the Council in resisting other proposals for inappropriate extensions to residential curtilage, which detract from the character and appearance of the Open Countryside. The Inspector considers that the proposed development is contrary to the Policy aims of the Crewe and Nantwich Replacement Local Plan 2011 policies NE.2 and NE.4.