
NORTHERN PLANNING COMMITTEE

Date of Meeting: 13 March 2019

Report Title: Land to the South of 18 Gaskell Avenue, Knutsford

Portfolio Holder: Cllr Ainsley Arnold

Senior Officer: David Malcolm, Head of Planning (Regulation)

1.0 Purpose of Report

- 1.1.1 To note the withdrawal of a reason for refusal relating to planning application 18/3205M for the construction of a detached dwelling to the Land to the south of Gaskell Avenue, Knutsford.

2.0 Decision Required

- 2.1 To note withdrawal of one of the reasons for refusal and to instruct Officers to advise the Planning Inspectorate that this appeal will only be contested on the remaining reason for refusal and should proceed to a decision accordingly.

3.0 Background

- 3.1 Members may recall at the meeting on 10 October 2018 two applications were considered on the same site to the south of Gaskell Avenue, Knutsford.
- 3.2 The report for application 17/5071M sought a resolution for the case the Council should put forward in respect of an appeal made against the non-determination of the planning application. This application was for the erection of a pair of semi-detached properties.
- 3.3 The report for application 18/3205M was recommended for refusal but was for a single detached property.
- 3.4 At the meeting on 10 October 2018 members supported the recommendation put forward with both applications and therefore the Council's defence of the appeal for 17/5071M was put forward on the same basis as application 18/3205M. The reasons for refusal are as follows;
1. *The proposal will have a substantial detrimental impact on the character and appearance of the Conservation Area by way of the scale and location of the development and the loss of green open space between dwellings. No public benefits of the development have been put forward by the applicant to outweigh the harm caused by the proposal. Therefore the proposal is contrary to Part 16 of the NPPF, Policy SE7 of the CELPS, Policy BE2 of the Macclesfield Local Plan*

and Policies HE2, HE3 and H2 of the Draft Knutsford Neighbourhood Plan.

2. *The proposal will result in vehicles passing directly alongside the The Coach House and this will have a detrimental impact on the amenity of this property by way of disturbance and potential overlooking caused by inappropriate vehicle movements. The proposal is therefore contrary to Policies DC3 and DC41 of the Macclesfield Borough Local Plan..*

- 3.5 The appeal for application 17/5071M has now been considered by the Planning Inspectorate and was dismissed. The Inspector in his considerations fully supported the Council's position in respect of the impact of the development on the conservation area. However, the Inspector considered that the level of overlooking and disturbance caused by the two proposed dwellings on the adjacent property would be acceptable and he stated the following;

The proposed access route is currently used by occupiers of the existing apartments to access a side entrance to Hamlet House, and is also used to access an existing garage to the rear. Whilst the proposal would generate some increase in traffic and footfall along this route, this would be limited in frequency. In my view, it would not result in a significant level of noise and disturbance or loss of privacy.

- 3.6 The appeal relating to 18/3205M has now been submitted and it is considered the Council can put forward a robust case to support the first reason for refusal. However, this is not the case for the second reason for refusal that relates to the impact of the proposals on the amenity of neighbouring properties. This is because the Inspector considered the impact of 2 properties to be acceptable and this current appeal is for a single dwelling which has no greater impact.
- 3.7 The Council has a duty to react to changed circumstances at the earliest opportunity and it would now be considered unreasonable to continue to defend the reason for refusal based on amenity impact.
- 3.8 The appeal will still be robustly defended on the first reason for refusal, which relates to the impact of the development on the character and appearance of the Conservation Area.

4.0 Conclusion

- 4.1 On the basis of the above, it is considered that the Council at this time cannot reasonably continue to rely upon the second reason for refusal for this appeal.

5.0 Recommendation

- 5.1 To note withdrawal of the second reason for refusal and to instruct Officers to advise the Planning Inspectorate that this appeal will only be contested on the second reason for refusal.