



Appeal Decision

Inquiry held on 18 & 19 August, and
29 September 2009

Site visit made on 20 August 2009

by **Jane Miles BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
7 December 2009

Appeal Ref: APP/R0660/A/09/2100349

Land off High Street/Cumberland Drive, Bollington, Macclesfield, Cheshire

- 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 Mr Harold Cumberbirch against the decision of Cheshire East Council.
- The application ref: 08/2751P, dated 18 December 2008, was refused by notice dated 17 March 2009.
- The development proposed is the erection of 13 no. dwellings.

Decision

1. I dismiss the appeal.

Procedural Matters

2. Two amended plans (drawing nos. CUM7/3-003/B and CUM7/3-012/B) and a set of additional 'swept path analysis' plans (drawing nos. SCP/08002/SPA01-12 inclusive) were submitted at the inquiry by the appellant. These aim to address concerns about access and parking arrangements for dwellings on the proposed plots 8 & 9. The small increase proposed in the width of the vehicle access at these plots does not, in my opinion, amount to a material change in the development proposal. There was sufficient opportunity during the course of the inquiry for consideration of and responses to the additional plans. I am therefore satisfied that taking the amended and additional plans into account in making my decision, as I have done, will not prejudice anyone's interests.
3. The scale on the proposed site layout plan (drawing no. CUM7/3-003/B) is given as 1:100. It was agreed that, in fact, this plan is drawn to a scale of 1:200, and I have considered it on that basis.

Main Issues

4. These are firstly the effect of the proposal on the character and appearance of its surroundings, and of the Bollington & Kerridge Conservation Areas and, secondly, the adequacy of provision for parking and access and the implications for highway safety.

Reasons

5. It is common ground between the Council and appellant that, having regard to the development plan and other relevant considerations, there is no objection in principle to some residential development on this steeply sloping site. It is

within the urban area of Bollington, and falls within the definition of previously developed land in *Planning Policy Statement 3 (PPS3) Housing*. I note the various concerns raised by local residents, such as the suitability of land formerly used as a tip for new housing, and the impact on long range views, for example. However I find insufficient grounds to take a different view on this point of principle and thus the main matters at issue concern the way in which the site would be developed.

Character and Appearance

6. The immediate locality around the appeal site is predominantly residential but includes buildings of varying ages, styles and sizes, most of which are in either the Bollington or the Kerridge Conservation Area (CA). There are examples of the good quality stone-built terraces which characterise much of the Bollington CA, albeit the most notable is the row in Chancery Lane, opposite the site, which is in the adjoining Kerridge CA. Much of the housing to the north of the appeal site is relatively recent, but it is nonetheless within the Bollington CA. Some dates from the 1980s and some is more recent still, built pursuant to two permissions granted on appeal in 2002 and 2004. Also in the immediate locality are the dwellings on the west side of High Street, north of the Red Lion Inn. These are set back behind a high boundary wall: the Bollington CA boundary runs along this wall, but the dwellings themselves are outside it.
7. The Red Lion and most of the mainly nineteenth century stone houses in this immediate locality are identified as buildings of townscape merit in the Bollington and Kerridge Conservation Area Appraisal (CAA) (adopted as a supplementary planning document in 2006). This confirms the key contribution that such buildings make to the overall character of the CAs. Other significant characteristics include the prevalence of slate and stone generally, and the hilly topography and varying views this creates, both within and beyond the CAs. The appeal site, which is not specifically mentioned in the CAA, includes an area of mature trees which would be retained, an informal parking area at the upper level, and a marked-out but unused car park at the lower level. In its current state I consider that it has a neutral effect on the character and appearance of the CAs.
8. Although the only significant reference to stone walls in the CAA is in relation to the nineteenth century housing, the appellant's design witness accepted, and I agree, that this document is not as comprehensive as it might be, even though it is relatively recent. Having walked around the area, I consider that the stone walls along each side of this southern part of High Street do contribute positively in visual terms to the character of both the appeal site locality and the Bollington CA through their appearance, heights and continuity. This applies even though the walls have no statutory protection.
9. There are breaks in the taller wall on the western side, providing access to the dwellings beyond, but they are not as close together as those proposed to provide vehicle and pedestrian access to the terrace of dwellings which would front onto the eastern side of High Street. Moreover the proposal involves reducing the wall's height, to allow adequate visibility between highway users, including pedestrians, and drivers leaving the frontage parking areas. Bearing in mind also that these parking areas would rise in steps up the slope, albeit

separated by retaining stone walls, it seems to me that parked vehicles would be a prominent feature in this street scene.

10. I note there were extensive pre-application discussions between the appellant and Council officers, following withdrawal of a previous scheme for fourteen taller dwellings. I appreciate this particular terrace, which continues around the corner into Chancery Lane, would be set back to minimise the impact on notable views across Bollington. Nonetheless I consider that the effect of four openings in this particular part of the boundary wall, combined with reductions in its height, extensive frontage parking, and the resultant impact of parked vehicles in the street scene, would be harmful. It would differ markedly from that of the single opening for the pub car park, where parking is behind the wall at its current height.
11. Thus I find, in these respects, that the proposed development would diminish the contribution the wall makes to the character of the CAs, and unacceptably detract from the established character and appearance of the immediate locality and the CAs. It would conflict with Policy BE3 of the Macclesfield Borough Local Plan (LP), and also with guidance in the CAA and in the adopted Supplementary Planning Document (SPD) for Bollington.
12. In addition, such intensive parking in front of dwellings is not characteristic in this or the Kerridge CA. Where frontage parking does occur, it is generally less intensive and often interspersed with areas of grass or other planting which helps to minimise the visual impact of parked vehicles. There is no space for such visual relief in this case and, to my mind, the example of frontage car parking nearby in Cow Lane demonstrates the adverse visual impact this would have. Thus I consider that this element of the proposal would not reflect local character or achieve the high quality design that LP Policies BE1 and H2 seek to achieve. Nor would it be an imaginative solution to providing sufficient car parking, as advocated in the Bollington SPD.
13. Turning to the proposed buildings, both the High Street/Chancery Lane terrace (units 1-9) and the shorter terrace fronting onto Cumberland Drive (units 10-13) would be similar in design, materials and detailing to the existing Dean Way development off Cumberland Drive. The Council has not raised any objection to the shorter terrace. As it would be at a similar level to the Dean Way housing, and there would be some visual linkage with that development, I too consider this part of the scheme acceptable in design terms.
14. The Council's Conservation Officer was also satisfied with the proposed scale, height, mass and materials of the longer terrace. I heard that the principal concern of Members, when they considered the proposal and took a different view, was one of detail such as the absence of chimneys. Local residents have also raised concerns about differences between the proposed design and that of the characteristic nineteenth century stone terraces. However LP Policy BE3, following national policy, expects only that the character or appearance of conservation areas should be preserved or enhanced, and it is well established that this can be achieved without replicating the form and style of valued or notable buildings. Similarly, guidelines for new development in the CAA and SPD seek to ensure that new development respects its context and reflects local character, rather than replicating particular features.

15. I appreciate that the longer terrace would be more prominent in various views, because it would be at a higher level. Also, unlike the earlier Dean Way development, it would front directly onto long established streets, opposite buildings of townscape merit. However the overall form, scale and materials of the terrace would reflect those of the more traditional ones. As the ridge heights would be below those of the Red Lion Inn and the adjacent terrace in Chancery Lane, it would respect the existing buildings in terms of scale, and would not be unduly dominant in the street scene. The desirability of protecting privacy and outlook at existing dwellings, and minimising impact on longer range views, justifies setting the terrace further back from the street frontage than is generally typical in the Bollington CA.
16. I consider these elements of the proposed terrace's design sufficient to ensure that it would respect its context and reflect key aspects of local character, even though it would not have chimneys and would have some different features, such as porches and gables. Thus I am satisfied that the built form of the terraces would at least preserve the CAs' character and appearance. This does not however alter or outweigh my findings in relation to the boundary wall and the proposed layout dominated by frontage parking. Overall therefore I conclude that the proposal would detract from the character and appearance of the immediate locality, and that it would fail to preserve the character and appearance of the Bollington and Kerridge CAs, contrary to the objectives of the relevant development plan policies.

Parking and Access

17. The stone built terraces valued in Bollington for the contribution they make to the CAs' character and appearance are also a key contributor to the parking pressures identified in the SPD as severe, because few have off-street parking space. Thus numerous cars are parked on the streets, many of which are narrow. The SPD notes the importance of ensuring that parking problems are not exacerbated by new development. It suggests an average of 1.5 spaces per new dwelling will be expected, which accorded with national guidance in place at the time of adoption, and also says that imaginative solutions will be required in the CAs, to provide 'sufficient' car parking. I find nothing here indicating that less than 1.5 spaces per dwelling would be acceptable.
18. The appeal proposal does provide for 1.5 parking spaces per dwelling, but the Council considers this insufficient in the particular circumstances of this case. These include the likely level of dependence on private cars and the size of the proposed family-sized dwellings (three with four bedrooms and ten with two bedrooms).
19. Reducing dependence on private cars and promoting alternative modes of transport is a key objective of national policy, and restricting parking space is an acknowledged means of moving towards that objective. However there is national policy and guidance relating to residential parking which is more recent than the LP, SPD and *PPG13: Transport*. PPS3 says Councils should take account of expected levels of car ownership in developing residential parking policies for their areas, as well as the need for good design and efficient use of land. Moreover, research referred to in *Manual for Streets* has shown that dwelling size, type and tenure is a factor affecting car ownership.

20. The Council does not have any adopted parking policy following this approach but, nonetheless, I consider it appropriate to take account of the recognition in national policy that a more wide-ranging approach is needed than simply restricting parking provision for new housing. I heard that no information on car ownership levels for dwellings of differing sizes is currently available for this area, but the 2001 Census shows average car ownership in Bollington Central Ward to be 1.3% for all households and 1.5% for car-owning households. Thus, even without evidence as to whether car ownership is higher in three and four bedroom houses than in smaller ones, it seems likely that the proposed parking spaces will be occupied primarily by residents' vehicles, with negligible space for visitors.
21. With regard to the practicalities of day-to-day family living without a car in this location, the distance from shops, services and bus stops in the local centre is within the accepted range given in national guidance for walking, and Bollington is well served by bus routes, including the one passing along Jackson Lane. However the upward gradient when returning to the proposed dwellings on High Street would be a disincentive for some trips on foot, such as when carrying shopping for example. In this respect these dwellings would differ from those in the Dean Way development, from where the route to the local centre is less steep. In addition, the appellant's own highway witness accepts that local gradients are likely to deter all but the most enthusiastic cyclists. I agree, even though the site is close to a long distance cycle route.
22. Taking account of all these factors, I accept that the appeal site is in a reasonably accessible location, but in my opinion it is not so accessible as to justify restricting parking provision below likely demand. I have borne in mind the objective of reducing dependence on the private car, and acknowledge that there is insufficient justification for the total level of provision suggested by the Council. Nonetheless, having regard to likely car ownership levels, parking demand and local circumstances, I consider that the proposed on-site provision of a single space per dwelling plus visitor spaces, as indicated on the proposed layout plan, would be inadequate.
23. The appellant argued, on the basis of the parking beat surveys carried out, that any overspill parking from the development could be accommodated on nearby streets, and various aspects of this argument were explored further at the inquiry. However one of the criteria in LP Policy DC6, which new development is normally expected to satisfy, advises that provision should be made for sufficient space to enable all parking and loading to take place off the street. In addition, as I have already noted, the Bollington SPD highlights the need to avoid exacerbating existing parking problems. The proposal would not accord with this policy and guidance.
24. The parking beat surveys did demonstrate some spare capacity on-street, even though it was conceded that some of the spaces identified were not realistically useable as such. I recognise that, in this area of narrow streets, some of which are steep and routinely subject to significant levels of on-street parking, many highway users will be familiar with these constraints and traffic speeds are likely to be low. Traffic volumes are also relatively low, and the proposed development would not significantly alter this. Moreover only one slight injury accident has been recorded in the immediate vicinity in five years. These

- factors suggest that the actual risks to highway safety from additional vehicles driving around the streets to find spare spaces would not be great.
25. However, given the nature of this particular locality and the existing extent of on-street parking, I do consider it reasonable to take account of the more general problems this causes for pedestrians and drivers, as explained by local residents and reflected in the adopted SPD. Given the level of on-site parking proposed for the new houses, particularly those on High Street where waiting restrictions are in place, I consider that the development would exacerbate existing parking problems. In these circumstances I consider that the conflict with LP Policy DC6 weighs heavily against the proposal.
 26. I appreciate that the car park on the upper part of the appeal site, leased to the pub, could be made unavailable at any time, and thus it would not be reasonable to require replacement capacity for these spaces as part of the development. However I heard that, notwithstanding the terms of the lease, it has regularly been used for overnight parking by residents and by walkers, as well as by patrons of the pub. I have therefore borne in mind that demand for on-street parking is likely to increase through loss of this car park.
 27. Whether or not the proposal would also result in the loss of on-street parking spaces in Chancery Lane, thus increasing parking pressures elsewhere, remained a matter of dispute between the parties. The relevant part of the street varies in width, narrowing down to a pinch point of some 4.1 metres very close to the proposed access to the parking area for plots 8 & 9. The gradient, narrow width, and waiting restriction at the western end are such that on-street parking generally occurs only on the southern side, in front of the existing houses.
 28. The amended plans and set of swept path analysis drawings were submitted to show that, when vehicles are parked opposite, drivers would be able to safely enter and leave the proposed parking area, thus maintaining on-street parking capacity here. It would physically be possible to use the three new spaces with cars parked opposite, but there would be very little room for error and considerable care would be needed. Moreover vehicles turning across the carriageway, in addition to those passing the parked vehicles on what is thereby reduced to a narrow single track road, would increase the hazards and the potential for damage to the parked vehicles. Cars parked here would be more vulnerable than at present. Thus, irrespective of whether existing waiting restrictions needed to be extended, I am not convinced that the notional capacity of eight on-street spaces here would remain realistic.
 29. In terms of safety, again in the light of low traffic speeds and volumes, the actual risk here is not likely to be great. However vehicles would have to enter and leave the parking area at oblique angles. This has implications for visibility, for the length of footway that would be affected and also for potential conflicts with pedestrians. It is not comparable with a motorway situation without pedestrians and designed for much higher speeds. In addition, repeated manoeuvres would be needed within the parking area itself. Whilst this element of the proposal would not materially harm highway safety, neither would it amount to the high quality design and layout that national and local policy seeks to achieve.

30. In summary I have found that, in the particular circumstances of this location, the proposal would not make adequate provision for on-site parking, thereby conflicting with LP Policy DC6. Although it would not unacceptably compromise highway safety, it would exacerbate on-street parking problems in the wider locality, contrary to the objectives of the Bollington SPD.

Other Matters

31. I have had regard to the relationships that would be created between proposed and existing dwellings. Given the relevant orientation and levels, and the already limited outlook from the rear gardens of the nearest houses in Dean Way (notably nos. 1 & 2), I consider that the tall end wall of unit 1 on High Street would dominate and further enclose the outlook from those properties. This would detract from the amenities enjoyed by occupiers of those properties and, whilst not sufficient in itself to justify refusing the proposal, it is an additional factor which weighs against it. Bearing in mind the scope to impose conditions relating to matters such as obscure glazing and boundary treatment, I am satisfied that the proposal would not materially harm living conditions in any other respect at these or any other nearby dwellings.
32. Concerns remaining about land stability and contamination, following the initial report submitted with the application, could be addressed by condition. Whilst I understand concerns about the implications for the pub's viability if it loses its car park, that is a private matter for the parties involved. I note residents' comments about the existing, unused, car park off Cumberland Drive, but it was clarified that there is no binding requirement to make this available for public use.
33. I have had regard to all other matters raised, including the proposal's benefits in terms of making better use of previously developed land, but have found nothing sufficient to alter the balance of my conclusions which leads me, overall, to conclude that the appeal should fail.

Jane Miles

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Roger Lancaster, of Counsel	Instructed by John Rose Associates
He called	
William Booker BSc	Director, Singleton Clamp & Partners
Carl Copestake BA (Hons) DipUP MRTPI	Director of Planning, John Rose Associates
Winston Parr DipTP MRTPI	Senior Urban Design Consultant, John Rose Associates

FOR THE LOCAL PLANNING AUTHORITY:

Josef Cannon, of Counsel	Instructed by Cheshire East Council's Solicitor
He called	
Christopher Payne DipASM MIHT MTPS	Development Control Engineer, consultant contracted to Cheshire East Council
Andrew Ramshall MSC CEng MIET IHBC	Building Conservation Officer, Cheshire East Council
Shawn Fleet MRTPI	Principal Planning Officer, Cheshire East Council

INTERESTED PERSONS:

Mr G A O'Neill	Local Resident
Professor Michael Burdekin	Local Resident, also representing Bollington Civic Society
Mr Tim Boddington	Local Resident, also representing Bollington Civic Society
Mr Chris de Wet	Local Resident, also representing Bollington Civic Society
Alderman Mrs Silvia Roberts	Local Resident
Mr D Belfield	Local Resident
Ms Lindsay Reade	Local Resident

DOCUMENTS & PLANS SUBMITTED AT THE INQUIRY

- 1 Additional plans submitted by the appellant:
drawing nos. CUM7/3-003/B, CUM7/3-012/B
& 12 no. Swept Path Analyses, drawing nos. SCP/08002/SPA01-12
- 2 Bollington & Kerridge Conservation Area Appraisal: Maps & Appendices
Documents & Parts 1 & 2
- 3 Duplicate copy of Appendix 3 to Mr Payne's proof (for clarity)
- 4a-e Copies of statements given by Messrs Burdekin, Boddington & de Wet, on
behalf of Bollington Civic Society, with copies of the 2004 Parish Plan and
2008 Bollington Town Plan for information
- 5 Signed Statement of Common Ground
- 6 AutoTrack Vehicle Details for a Large Car, ref: 100004, submitted by the
appellant
- 7 Letter dated 18 August 2009 from existing and former residents of Lord
Street, relating to the Cumberland Drive car park
- 8 Extract from English Heritage website, relating to results of national census
of Conservation Areas at Risk, submitted by Mr Ramshall