

Appeal Decision

Site visit made on 21 November 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/A0665/W/16/3157625
54 Weston Grove, Upton, Chester, CH2 1QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms J Clarke against the decision of Cheshire West & Chester Council.
 - The application Ref 16/00862/OUT, dated 27 February 2016, was refused by notice dated 31 May 2016.
 - The development proposed is 2 new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with means of access and layout to be considered. All other matters were reserved for subsequent approval.

Main Issues

3. The main issues are the effect of the proposed dwellings upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of 54 Weston Grove, with particular reference to outlook.

Reasons

Character and Appearance

4. Western Grove is a suburban street which is mainly residential in character. There is a school next door to the site and surrounding dwellings are of mixed style and design. The proposed pair of semi-detached houses would be very close to the side elevation of No 54. I appreciate that most dwellings in the area have more space between them but given that No 54 is an end of terrace, and that spaces between buildings in the vicinity vary, I do not consider that the proposed small gap between the dwellings would look out of place. The proposed house would be much further from the highway than other houses in the street but this would look acceptable given the site's location next to the school buildings which are also substantially set back.
 5. I note the Council's comments that because the building would be deep, the roof pitch would be different to that of other nearby houses. However, as there are a variety of roof styles and heights in the area, I do not consider that another variation would be harmful. Whilst the two drives would necessitate hardstanding this area is already hard surfaced. Furthermore, there would be
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some opportunity for landscaping between the proposed drives which would actually represent an improvement over the existing situation.

6. I therefore conclude that the proposed dwellings would not harm the character or appearance of the area. Consequently, there would be no conflict with Policy ENV6 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (LP) which seeks to ensure that development respects local character.

Living Conditions

7. The proposed dwellings would be about 1m away from No 54. The two-storey element of the proposed pair would extend in excess of 6m beyond the existing rear elevation of No 54 and there would be a single storey element that would extend even further. There are patio doors in the rear elevation of No 54 which would be close to the proposed building. I consider that the 2-storey height and substantial rearward projection of the dwellings would have an enclosing and overbearing impact upon the outlook from behind these patio doors.
8. I note the idea of a possible 2-storey rear extension to No 54. Whether this could be built under permitted development rights is not a matter for me to determine in the context of an appeal made under Section 78 of the above Act. It is open to the appellant to seek a determination under S192 of the Act in relation to this matter. Furthermore, I must base my considerations on the current circumstances of the site and not what might theoretically happen in the future. I appreciate that No 54 is within the appellant's ownership but I must consider the living conditions of both existing and future occupants.
9. I therefore conclude that the proposed dwellings would harm the living conditions of the occupiers of No 54 Weston Grove. Consequently, there would be conflict with LP Policy SOC 5 which seeks to protect residential amenity.

Conclusion

10. Whilst I find no harm to the character and appearance of the area, I do find harm to the living conditions of neighbours and a consequent conflict with development plan policy. This harm renders the proposal unacceptable and the appeal is dismissed.

Siobhan Watson

INSPECTOR