The Planning Inspectorate

Appeal Decision

Site visit made on 2 November 2016

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 11 January 2017

Appeal Ref: APP/A0665/W/16/3155577
Heesch, 8 Eaton Road, Tarporley, Cheshire, CW6 0BJ

- 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 Charles Alan Pritchard & Mrs Rachel Margaret Pritchard against the decision of Cheshire West and Chester Council.
- The application Ref 15/04255/FUL, dated 2 October 2015, was refused by notice dated 23 December 2015.
- The development proposed is the conversion and extension of the existing double garage into a dwelling, the creation of a parking area for Heesch and alterations to the vehicular access.

Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of the existing double garage into a dwelling, the creation of a parking area for Heesch and alterations to the vehicular access at Heesch, 8 Eaton Road, Tarporley, Cheshire, CW6 0BJ, in accordance with the terms of the application Ref 15/04255/FUL, dated 2 October 2015, and subject to the following conditions;

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Site Plan, Ground Floor Plan, Roof Plan, South & East Elevations, and North & West Elevations.

    3) The construction of the dwelling hereby approved shall not commence until details of the materials to be used in the construction of the external surfaces, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

    4) Before the dwelling hereby approved is first occupied, the off street car parking facilities, as shown on the approved Site Plan, shall be completed and thereafter retained and kept available at all times for those purposes.

    5) Development shall not commence until details of the means of surface water drainage for the proposed development have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located within the village of Tarporley but just beyond the village Conservation Area, and adjoins residential development to the east, south and west, with playing fields to the north on the opposite side of Eaton Road. The land is currently occupied by a detached property, its associated front and rear gardens, and a substantial detached double garage with a pitched roof located adjacent to the east boundary shared with properties on Windsor Avenue. The land possesses an existing vehicular access on to Eaton Road.

4. In assessing the proposal, it is evident that the Council accepts that residential development within the defined settlement boundary of Tarporley, which is designated as a key service centre, would be acceptable in principle on appropriate sites. Whilst there is no dispute over the location of the appeal site being within the settlement boundary, or the level of accessibility to various services and facilities, the Council has highlighted its concern with the proposals as being related to the form of the development and the resultant cramped and overdeveloped appearance.

5. In support of its decision, the Council has drawn my attention within the delegated report to the Tarporley Neighbourhood Development Plan 2010-2030 (the Neighbourhood Plan), which at the time of the determination of the planning application was in Draft Submission form. The Neighbourhood Plan was subsequently made in March 2016. In particular, reference has been made to Draft Submission Policy TEH2 which addressed settlement patterns and that no new separate dwellings should be built in small residential gardens under 0.12 hectares. However, as has been indicated by the appellant and in the Tarporley Neighbourhood Plan Examination Report by the Independent Examiner, such a restrictive approach does not conform to national policy and has not therefore been translated from the Draft Submission Neighbourhood Plan into the policies of the made Neighbourhood Plan document.

6. Nevertheless, I am mindful that Policy TEH4 addresses design for new residential development, and I have therefore assessed the proposals against this policy as well as retained Policy BE1:*Safeguarding and Improving the Quality of the Environment* of the Vale Royal Borough Local Plan First Review Alteration (the Local Plan), and Policy ENV 6: High Quality Design and Sustainable Construction of the Cheshire West & Chester Council Local Plan (Part One) Strategic Policies 2015 (the Strategic Local Plan).

7. The specific design and appearance of the proposed single-storey dwelling would not appear out of keeping with development in the immediate area along Eaton Road or the wider settlement, where a mix of housing types, sizes and styles are in evidence. I accept that the proposed dwelling would be visible from the road along the access drive, but I do not consider that the visual impact would represent a significant departure from the impact of the existing detached garage. I also do not consider that the proposal would appear obtrusive or unusual in the vicinity where development within the village appears often to be visible at varied distances through existing vistas and gaps

in the built form. Furthermore, despite the set-back of the proposed dwelling within the site, and its proximity and relationship to the existing retained dwelling, I also observed similar established relationships between dwellings in relatively close proximity to the appeal site, both within and without the conservation area.

8. I accept that the proposed dwelling would occupy a larger footprint than the existing detached garage and would clearly result in a denser form of development on the appeal site than currently, although I do not consider this in itself to amount to a departure from the exhibited variety of development density across Tarporley. Furthermore, I consider that the retention of existing planting particularly along the street frontage, will assist in assimilating the proposed development, as well as the additional parking areas proposed, within the context of the site as a whole.

9. I have had regard to the Council's contention that the overall appeal site could comfortably accommodate two dwellings, but for the reasons set out above I do not consider that such a development outcome would only be achievable through the demolition of the existing dwelling and redevelopment of the site in its entirety. I have also had regard to the Council's conclusion that, whilst acknowledging the location of the appeal site beyond the conservation area, there would not be any demonstrable harm to the setting of the heritage asset, and see no reason on the basis of the submitted scheme to disagree with this conclusion.

10. On the basis of my observations, and for the reasons set out above, I am satisfied that the proposed development would not result in an adverse effect on the character and appearance of the area. The proposal would not therefore conflict with retained Policy BE1 of the Local Plan, Policy ENV6 of the Strategic Local Plan, and Policy TEH 4 of the Neighbourhood Plan. These policies seek to achieve a high quality of design for new residential development, sustainable construction, and to safeguard and improve the quality of the environment of the wider area.

Other Matters

11. I have had regard to the concerns of interested parties in respect of the impact on living conditions as a result of the potential effect on privacy and light, the appropriateness of the access arrangements and impact on existing highway conditions, and the effect of the development on the drainage of the site.

12. In respect of the impact of the proposals on the living conditions of neighbouring occupiers, I have noted the conclusions drawn by the Council in respect of privacy and impact on light. However, whilst I have been mindful of these concerns, on the basis of my observations of the relationship and orientation between the appeal site and surrounding properties, coupled with the scale of the proposed development, I see no reason to disagree with the Council's conclusions.

13. Turning to the highway impacts of the development, the proposed layout of the site would incorporate an adequate level of parking, which would be secured by condition in the interests of highway safety, and would utilise broadly the same access arrangements as are currently available for the existing property. Whilst I accept that the use of the access would increase in serving two dwellings, I am satisfied that the visibility available at the point of access would be

adequate for the proposed frequency of use and that any impact on existing highway conditions would not be significant.

14. In respect of the impact on the drainage of the site, I note that a concern over the capacity of the existing drainage infrastructure has been raised by a neighbouring occupier. Whilst the objection has not been accompanied by any supporting technical evidence, I note that the Council in offering no objection to the scheme in respect of drainage, has indicated an expectation that details of surface water drainage would need to be considered at a later date. Given the overall scale of the proposed development, I find this to be an appropriate and proportionate response, and have attached a suitable condition to the planning permission.

Conditions

15. I note that the Council has not suggested any conditions in the event that planning permission was to be granted. However, I find that it would be reasonable and necessary to include conditions relating to the timing of the development and adherence to the submitted plans in the interests of proper planning and the avoidance of doubt. Furthermore, I consider that a condition requiring the approval of details and samples of materials of all external surfaces would be reasonable in the interests of safeguarding the character and appearance of the area. For the reasons already provided above, securing the provision of the parking areas and details of a scheme of surface water drainage would be in the interests of highway safety and the proper drainage of the site respectively.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed subject to the conditions listed.

M Seaton

INSPECTOR