
Appeal Decision

Site visit made on 3 January 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/A0665/W/16/3160737

155 Whitchurch Road, Chester, Cheshire, CH3 5QE

- 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 Mr D Poole against the decision of Cheshire West & Chester Council.
 - The application Ref 16/02300/OUT, dated 26 May 2016, was refused by notice dated 17 August 2016.
 - The development proposed is described as 'outline application to erect one two storey dwelling.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters other than access reserved for future consideration. An indicative site layout plan was submitted with the planning application. I have considered the appeal on this basis.
3. Additional plans were submitted with the appeal documentation. These comprise floor plans of the proposed dwelling and of the existing dwelling at No 155. As indicated above the planning application was submitted in outline with all matters other than access reserved. Therefore, I have treated the floor plans for the proposed dwelling as being for indicative purposes only. In relation to the floor plans of the existing dwelling at No 155 I consider that no interested parties would be prejudiced by my having regard to the information provided on these in my determination of the appeal.

Main Issues

4. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area;
 - whether satisfactory living conditions would be provided for the future occupiers of the proposed dwelling; and
 - the effect of the proposal on the living conditions of the occupiers of the existing dwelling at No 155.

Reasons

Character and appearance

5. The appeal site comprises the side garden area to the south east of the detached dwelling at 155 Whitchurch Road. No 155 is the end house in a row of dwellings which front on to Whitchurch Road (A41). The dwellings along this part of Whitchurch Road comprise a mixture of types including detached and semi-detached houses and semi-detached bungalows. To the north and east of the appeal site is a railway line.
6. The subdivision of the garden of No 155 to provide for the appeal proposal would significantly reduce the plot size of No 155 and the proposed dwelling would be on a much smaller plot than the other dwellings along this part of Whitchurch Road. Accordingly, the overall effect of the appeal proposal would mean that both the existing dwelling at No 155 and the proposed dwelling would appear somewhat cramped on their respective plots, to the detriment of the character and appearance of the area. Accordingly, the appeal proposal would be contrary to policy ENV6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (Local Plan Part One) which indicates that development should, amongst other things respect local character.

Living conditions – future occupiers

7. As indicated above the appeal proposal would result in the proposed dwelling being sited on a much smaller plot than other dwellings along this part of Whitchurch Road. The rear boundary of the appeal site runs parallel to the adjacent railway line. As a consequence of this the depth of the site tapers off and is deeper along its western boundary than its eastern boundary.
8. Notwithstanding that the submitted layout plan is for indicative purposes only, it seems to me that, given the consistency of the building line along this part of Whitchurch Road, it would be reasonable to expect that any dwelling on the site would be sited in a similar position to that indicated on the submitted layout plan so as to maintain the existing building line. This would result in the dwelling having a rear garden which would be about 2.5m at its shortest point and 5.5m at its longest point. This would be significantly less than the minimum depth of 10.5m indicated in the Council's Supplementary Planning Document: Design for Residential Development (SPD) as necessary to ensure a good level of outdoor amenity space.
9. The appellant refers to other developments in the area which have been permitted where the rear garden depths are less than the minimum indicated in the SPD and the Council acknowledges that lesser distances than that indicated in the SPD have been accepted in certain situations subject to the circumstances of that case.
10. I am not aware of the particular circumstances relating to the developments referred to by the appellant. However, in this case the appeal proposal is for a two storey detached dwelling and it seems to me that such a restricted rear garden as would be provided here would be disproportionate to the dwelling that it is intended to serve. Therefore, notwithstanding that the dwelling would have a relatively open aspect to the rear due to the adjacent railway line being in a cutting, I am not persuaded that the circumstances in this case are such as to warrant a reduction to the requirement set out in the SPD.

11. Accordingly, the appeal proposal would not provide satisfactory living conditions for the future occupiers of the proposed dwelling in relation to outdoor amenity space and would be contrary to policy SOC5 of the Local Plan Part One which indicates that development should not give rise to significant adverse impacts on residential amenity.

Living conditions – occupiers of No 155

12. The existing dwelling at No 155 has windows at ground and first floor level on its eastern side elevation. The appellant indicates that it is intended that these would be blocked up to ensure that the appeal proposal would not harm the living conditions of the existing occupiers of No 155 in relation to outlook and privacy.
13. The evidence indicates that the rooms served by the windows on the eastern side elevation of No 155 also benefit from windows on the front elevation. I saw the windows on the front elevation on my site visit. Accordingly, I am satisfied that the appeal proposal would not harm the living conditions of the occupiers of the existing dwelling in relation to outlook and privacy.
14. No 155 currently benefits from garden areas to the rear and to the eastern side of the dwelling which are at the same level as the ground floor of the dwelling. There is also a side garden to the western side of the dwelling. However, due to the topography of the area this is raised significantly above the ground level of the dwelling. Therefore, its ability to function as a useable amenity space is likely to be limited.
15. The rear garden to No 155 is somewhat restricted in size due to the alignment of the adjacent railway line and therefore the eastern side garden serves also to provide useable amenity space. A patio area is currently situated adjacent to the patio doors in the bay window on the ground floor of the eastern elevation. The appeal proposal would result in the loss of the eastern side garden area to No 155 which would significantly reduce the amount of useable amenity space available to this dwelling to the detriment of the living conditions of its occupiers.
16. I note that the current occupiers, one of whom is the appellant in this case, indicate that they are finding it difficult to maintain the garden areas to No 155. However, in considering the effect of the proposal on the living conditions of the occupiers of the existing dwelling it is necessary to consider not only the effect on the current occupiers, but also the living conditions of future occupiers of the existing dwelling. Accordingly, having regard to all of the above I consider that the proposal would cause material harm to the living conditions of the occupiers of the existing dwelling at No 155 in relation to the availability of amenity space. In this respect therefore it would be contrary to policy SOC5 of the Local Plan Part One.

Other matters

17. The appeal site is located within the Green Belt. The Council indicates that the proposed development would comprise infill development within a village and would not therefore be inappropriate development within the Green Belt and would comply with policy STRAT 9 of the Local Plan Part One which relates to development in the Green Belt. I see no reason to take an alternative view. However, compliance with this policy does not serve to outweigh the harm that I have found in relation to the character and appearance of the area and the

living conditions for the future occupiers of the proposed dwelling and the occupiers of the existing dwelling.

Conclusion

18. Having regard to all of the above the proposal would be contrary to the development plan as a whole. For the reasons given above therefore, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR