

Appeal Decision

Site visit made on 10 January 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 31st January 2017

Appeal Ref: APP/A0665/W/16/3160962

28 Blake Lane, Cuddington, Northwich CW8 2NP

- 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 and Mrs Happs against the decision of Cheshire West & Chester Council.
 - The application Ref 16/02716/OUT, dated 24 June 2016, was refused by notice dated 2 September 2016.
 - The development proposed is construction of residential dwelling with associated vehicular parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with all matters reserved for future approval. I have considered the appeal on this basis, treating the plans submitted as indicative of the type of development that could be carried out.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

4. The appeal site comprises the rearmost part of the garden of 28 Blake Lane. The surrounding area is predominantly residential with a mix of terraced and semi-detached properties. There is variation in plot sizes within the locality, however, No 28 sits within in a generous plot with a long rear garden which provides a sense of spaciousness and visual separation between the tighter grain, linear development to the rear on Mere Lane and the more loose knit development on this part of Blake Lane. Backland development is not a feature of the immediate area.
 5. The proposed dwelling would introduce an incongruous element in the area that would have an appreciably poor relationship to both the established pattern of development on Mere Lane and Blake Lane by virtue of its uncharacteristic backland position. Whilst the existing hedgerow would reduce its prominence,
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it would not be hidden from public view where it would be evident from the adjacent road and footpath. Moreover, when viewed in the context of No 26 and 28 Blake Lane, it would appear cramped and constrained at odds with the generous and spacious character of the immediate locality.

6. I therefore conclude that the proposed development would adversely affect the character and appearance of the surrounding area and find conflict with Policy BE1 of the Adopted Vale Royal Borough Local Plan First Review Alteration (2006) (VRBLP) and Policy ENV6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (2015) (CWCLP). These seek, amongst other things, high quality development which is compatible with and respects the local character.

Living conditions

7. Drawing No H087/002 shows an indicative siting of the proposed dwelling. Whilst the drawing is illustrative it represents an obvious location for the dwelling allowing access and parking to the front and private amenity space to the rear. It therefore provides a reasonable basis for assessing the implications of the development for neighbours living conditions.
8. The Council's Supplementary Planning Guidance: 1 Outdoor Space Standards for New Dwellings (SPG) provides that a minimum of 22 metres is kept between facing windows of new and existing properties. The appellant accepts that this distance is not achieved but argues that the angling on the two properties ensures there is no loss of privacy. Notwithstanding the angle, which is very slight, a two storey dwelling in this location would have clear views to the rear garden and windows of No 28, unacceptably harming their privacy.
9. The SPG also requires a garden length of 10.6 metres in order to safeguard the privacy of the new house. I acknowledge that the space provided exceeds the required 50m² and that this might provide sufficient outdoor space for future occupiers. However, in privacy terms, the garden would fall below the requirement by approximately 3 metres. This has the potential to reduce further if the dwelling were to be moved back to allow for sufficient privacy distance to No 28. Whilst being mindful that the application was made in outline, from the information before me and my observations on site, I am not persuaded that a distance of 22 metres between facing windows and a garden length of 10.6 metres would be attainable on the site.
10. Drawing No H087/003 submitted with the application shows a two storey dwelling as a typical elevation. However, as scale is reserved for future approval, a condition restricting the development to single storey could be attached if the appeal were to succeed which could mitigate against potential overlooking. Notwithstanding, I agree with the Council that a bungalow look out of keeping with the predominant house type in the locality which would add to its incongruity.
11. Whilst the proposed dwelling would be visible from adjacent properties, given the intervening distances, I am satisfied that there would no loss of light or overshadowing and no material harm to the outlook from these properties.
12. Nonetheless, I have concluded that the proposal would materially harm the living conditions of the occupiers of adjacent properties with particular regard

to privacy and find conflict with Policy BE1 of the VRBLP and the guidance within the SPG. These seek, amongst other things, to ensure development does not have a detrimental effect on the amenities of neighbouring properties.

Other Matters

13. I have had regard to the benefits of the proposal including the sites accessibility, an energy efficient dwelling and the contribution towards the supply and mix of housing. Whilst these benefits carry some weight, the proposal is only for one dwelling and therefore any benefits would be modest and insufficient to outweigh the harms I have found above.
14. I note the appellants' comments on the proposals adherence with the other criterion with Policy BE1 and ENV6 and acknowledge that there has been no objection from the Highways Authority. Nonetheless, I have found conflict with Policy BE1 and ENV6 with respect to the main issues above and these matters do not outweigh the harm that I have found.
15. The appellants have stated that the garden is of little benefit to the property due to its excessive size and its subdivision. However, whilst the garden is generous, I do not consider that that it is excessive in size nor unusable and this would not be sufficient reason to allow a dwelling in this location.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR