
Appeal Decision

Site visit made on 22 August 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/A0665/W/17/3175810

The Lair, 2A Grange Road, Great Broughton, Chester CH3 5NS

- 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 Mrs Bernadette Sherwood against the decision of Cheshire West & Chester Council.
 - The application Ref 16/05290/FUL, dated 28 November 2016, was refused by notice dated 30 January 2017.
 - The development proposed is a new detached house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

3. The appeal site comprises part of the long rear garden associated with No 2A Grange Road. It is separated from the main garden area of this property by means of timber fencing and fronts onto Willoway Road which is a residential cul-de-sac of dwellings. The proposed residential plot would be adjacent to the long rear gardens associated with Nos 2, 4 and 6 Grange Road West and would be opposite Nos 1 and 3 Willoway Road which are semi-detached dwellings.
 4. It is proposed to erect a two storey detached dwelling which would be set back from Willoway Road by about 5.5 metres and would be positioned approximately 20 metres from the rear elevation of 2A Grange Road. There would be two car parking spaces provided to the front of the dwelling and a rear garden area.
 5. The dwellings in the area are not all identical in appearance and hence it is not imperative that the proposed property follows a particular style or indeed house type. In terms of appearance, the rear and the gable elevations of the proposed property would assimilate well into the wider environment. However, I do share the Council's concern about the front of the proposed dwelling. Given the close proximity of the first floor windows at No 3 Willoway Road, it has been necessary to include only one window at first floor level to serve a landing area. Despite the low eaves height of the roof, I consider that this
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- would have the effect of creating a bland and uninteresting front elevation which would appear incongruous in the street-scene.
6. Notwithstanding the above, my principal concern relates to the effect of the proposed development upon the wider character and appearance of the area. Both the Council and the appellant have referred me to an appeal decision in 2012 (Appeal Ref APP/A0665/A/12/2171591) for the erection of a dwelling on land to the rear of No 6 Grange Road West which is at the head of the cul-de-sac and adjacent to the appeal site.
 7. I recognise that the above development was different to the appeal proposal in so far that a taller and narrower dwelling was proposed. However, I do not disagree with the Inspector who considered the overall context of the immediate environment and concluded that *"houses along this side of Grange Road West have rear gardens that increase in length toward the rear amenity space of dwellings on Pearl Lane. This substantially open area between these buildings, and those on Grange Road and Willoway Road, provides a sense of urban green space that contrasts with the close proximity to the highway of many street frontages in the area"*.
 8. I consider that the appeal site, along with the garden land to the rear of No 2B Grange Road, contributes positively, in association with land to the rear of dwellings on Grange Road West, to the overall sense of space between dwellings in the immediate area. The site provides part of an important open break within otherwise dense and built up frontages associated with a number of streets. I acknowledge that the site is fenced, but the erection of a two storey dwelling, positioned tight up to the boundaries of the plot, would significantly diminish this overall sense of space between existing developments and would result in a cramped form of development when viewed from existing rear gardens and from Willoway Road. I do acknowledge that planning permission has been approved for a bungalow on the site in the past. However, there is no longer an extant planning permission in place for the site and, in any event, the appeal proposal would result in a different scale of development on the site.
 9. The appellant has commented that the appeal site is not designated urban green space, but is garden land. Consequently, they consider that the way that the site contributes towards the sense of open space between developments should be afforded less weight. Indeed, it is argued that it would be possible to enclose these areas utilising permitted development rights and by parking vehicles. I accept that hypothetically this may be possible, although I doubt whether such garden areas would be developed to the extent envisaged by the appellant. Furthermore, even if permitted development rights are to be taken into account there would be restrictions on what could be done including the height of development. Hence, I am not persuaded that the parking of vehicles or the implementation of permitted development schemes would have the same impact on the sense of open space between buildings when compared to the appeal development.
 10. For the collective reasons outlined above, I conclude that the proposal would have a significantly detrimental impact upon the character and appearance of the area. Therefore, the development would not accord with the design aims of the National Planning Policy Framework and Policy ENV6 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies 2015 which states

that proposals should "*respect local character and achieve a sense of place through appropriate layout and design*".

Other Matters

11. I have taken into account representations made by other interested parties. Some of the comments made have already been addressed in the reasoning above.
12. I have considered the scale of the development, separation distances involved and the positions of windows openings. Subject to the imposition of planning conditions, I do not consider that the dwelling would cause harm to the occupiers of surrounding residential properties in respect of levels of light, outlook and privacy.
13. I note the concerns raised about the use of Willoway Road for access purposes. I am not aware of any substantiated reason to indicate that use of this road would be detrimental from a highway safety point of view. The provision of two car parking spaces would be acceptable. Whilst there would be no on-site turning facility, I do not consider that this would be unacceptable taken into account traffic speeds and as Willoway Road is a cul-de-sac. The occupiers of No 3 Willoway Road state that Willoway Road is not adopted and is maintained by local residents. Maintenance of the road would be a private matter and is not in itself a reason to withhold planning permission.
14. I acknowledge comments made about the loss of trees on the site, but according to the Council none are protected. Had the proposal been acceptable in all respects it would have been possible to have imposed planning conditions relating to the protection of existing vegetation on the boundaries of the site and in terms of new landscaping.
15. The appellant has drawn my attention to other infill proposals allowed elsewhere in the Chester area including Highfield Road, Blacon and 65 Belgrave Road, Great Broughton. I acknowledge the similarities of the proposals in terms of being infill proposals, although I do not know the exact and full details which led to these developments being allowed. However, and, in any event, I have determined this appeal on its individual planning merits. I have found that there would be significant harm caused to the character and appearance of the area and the existence of other approved infill developments does not alter this view.
16. None of the other matter matters raised outweigh or alter my conclusion on the main issue.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR