
Appeal Decision

Site visit made on 3 June 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/A0665/W/18/3217521

Merton Cottage, Neston Road, Willaston, Neston CH64 2TW

- 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 J Darlington against the decision of Cheshire West & Chester Council.
 - The application Ref 18/01243/FUL, dated 29 March 2018, was refused by notice dated 30 May 2018.
 - The development proposed is demolition of detached garage and development of 1 no. 2 storey detached dwelling in garden plot.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. In reaching my decision I have had regard to the revised, updated National Planning Policy Framework (the Framework), published 19 February 2019. The main parties have had the opportunity to comment on the revised Framework within the timescales for their appeal submissions.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

4. The appeal relates to the side garden of Merton Cottage, one of a pair of late 19th century semi-detached houses on Neston Road, on the edge of the village of Willaston. Willaston village is inset in the Green Belt, and the site is within the inset boundary for the village.
5. Policy GB6 of the Ellesmere Port and Neston Borough Local Plan (the EPNBLP) states that, within the inset boundary, only infilling and limited development will be allowed and that, amongst other things, such development must be of a scale, density and design in sympathy with the character of both the neighbouring area and the village as a whole.
6. The section of Neston Road between the centre of the village and the junction with Birkenhead Road, which includes the site and its neighbour, Alma Cottage, has been subject to some change as a result of various infill developments over

the years, and there is some variety in the appearance, size and layout of the houses and plots along this stretch.

7. However, despite that, Merton Cottage and Alma Cottage have retained much of their original character and setting. That character is drawn, in part, from their wide side gardens. Those spaces provide a pleasant, spacious setting to the pair of semi-detached properties, and a sense of separation between them and the houses to either side, Bramley Cottage and The Gables, which themselves also have wide side garden areas. Together with the open land opposite the appeal site and its immediate neighbours, the wide side gardens of this small group of houses also contribute to a sense of openness and space within the wider street scene along this section of Neston Road as it leaves the more built-up part of the village.
8. The layout and pattern of development on this section of Neston Road, from The Gables to Bramley Cottage, including those wide side gardens which are particular to the properties within it, is distinctive from the more closely-spaced development which runs along both sides of Neston Road further along within the village.
9. This small stretch of Neston Road is also distinctive from the more closely-spaced development which has grown up around Rose Cottage, at the junction with Birkenhead Road. However, the houses around that junction, with their wide plots and landscaped front gardens, and with open land opposite, nonetheless also contribute to the sense of diminishing development within this wider street scene on the outskirts of the village.
10. The proposed dwelling would be built in the side garden of Merton Cottage. A gap would be retained between its side elevation and that of Merton Cottage. However, much of that gap would be occupied by the parking areas for the two properties, with only a narrow strip of landscaped side garden space remaining between them. As a result, the proposed development, including the use of those driveways for parking, would significantly erode the sense of space to the side of Merton Cottage. The proposed house would also be very close to the boundary with Bramley Cottage, and to the side elevation of that neighbouring property just beyond that boundary. The development would therefore also remove the sense of separation between buildings which the existing side garden provides at present.
11. The proposed house would be lower than Merton Cottage and roughly aligned with the front of that existing property, and its appearance would be sympathetic to that of other nearby housing. However, the proposed plot and the remaining plot of Merton Cottage would both be smaller than that of Alma Cottage, which itself is already relatively small in the context of surrounding development on this part of Neston Road.
12. Consequently, and for the reasons set out above, I consider that the proposal would result in an unduly cramped development, which would detract significantly from the open, spacious character of both the appeal site and this section of the Neston Road street scene. The density and layout of the development would therefore not be in sympathy with the character of the neighbouring area.
13. Existing trees would be retained within and around the site, and the replacement of the close-boarded timber fence along the front boundary with a

hedge would provide some enhancement to the site frontage. However, those measures would not offset or compensate for the loss of the spacious, open character of the site and the wider street scene that would arise.

14. I have had regard to comparisons drawn between the proposed plot sizes and those of dwellings on Meadow Lane. However, those dwellings referred to are part of a more recent development of more closely-spaced houses in narrower plots, which are located more centrally within the village, and which run along both sides of the road with other development around them. The character, grain and context of the housing on Meadow Lane is therefore significantly different to that on this part of Neston Road, on the outskirts of the village, and I afford little weight to those comparisons drawn.
15. Comparisons have also been drawn to the plot sizes of other semi-detached houses nearby. However, those properties referred to are part of the more closely-spaced frontage of buildings further along Neston Road within the village, where there is development on both sides of the road. As such, they are not directly comparable to the appeal site in terms of their location within the village or their setting in relation to other surrounding development.
16. A previous appeal relating to the development of a dwelling on the appeal site¹ was dismissed partly for reasons relating to garden size, which do not apply in this case. However, the Inspector in that case also identified the open, spacious feeling arising from the generous spacing between the houses and the open fields opposite the site, and found harm to that character as a result of the dwelling then proposed. I concur with that assessment of the existing character of the site and its surroundings, and have had regard to that previous decision as a material consideration. However, the proposal before me relates to a different dwelling design and layout than that previously proposed, and I have considered the current appeal on its own planning merits.
17. The site is outside, but close to the boundary of, Willaston Conservation Area (the WCA), and there is reference to the development along this part of Neston Road to in the Conservation Area Appraisal. However, the site is not immediately adjacent to the boundary, and views towards it are only possible from a very limited part of the wider WCA. The development would therefore not cause harm to the character or appearance of the WCA.
18. However, for the reasons given, I conclude that the proposed development would have a significant adverse effect on the character and appearance of the appeal site and its surroundings. The proposal would therefore conflict with the requirements of Policy GB6 of the EPNBLP as set out above, and with Policy ENV6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies which states, amongst other things, that development should respect local character.
19. Those development plan policies are consistent with the Framework, which states that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment.
20. The development would also conflict with criteria in the Council's Supplementary Planning Guidance: Infill Plots in Built Up Areas (the SPG) which, amongst other things, advises that in considering applications for infill,

¹ Appeal ref: APP/A0665/W/15/3140443

regard will be had to the overall character of the area, and that a proposal which would be out of scale in terms of plot size and layout and density would significantly reduce the character and amenity of the area and would be refused.

Other Matters

21. The development would provide a new dwelling within walking distance of shops, facilities and public transport connections within the village. Future occupants would make some contribution to local businesses and community facilities, and the development would provide some employment opportunities during its construction. The proposed dwelling would have adequate parking and outdoor amenity space, would be sufficiently separated from neighbouring properties to avoid harm to neighbours' living conditions, and would incorporate security measures. In those respects, the scheme would gain support from a number of related development plan policies.
22. It is not disputed that the Council is able to demonstrate a 5 year supply of deliverable housing sites. The Framework makes it clear that is a minimum requirement. However, the benefits arising from the single dwelling proposed in this instance, including its contribution to local housing supply and those benefits set out above, would be very modest, and do not outweigh the harm I have identified to character and appearance, or the associated conflict with those relevant development plan policies set out above.
23. Reference has been made to economic benefits arising from the development in terms of council tax and business rates. However, there is nothing to suggest that such payments would relate directly to any specific planning aspects of the development proposed. I therefore consider it unlikely, on the basis of the evidence before me, that such payments would comprise anything other than a general financial benefit to the local authority. As such, and in accordance with the PPG², I attach little weight to these.
24. My attention has been drawn to other planning permissions granted by the Council and on appeal for housing within and outside the settlement infill boundary for Willaston. However, on the basis of the very limited information before me, it appears that there are differences between those developments referred to and the current appeal proposal, including with regard to their location in the village, the layout and character of their surroundings, and their relationship to existing neighbouring buildings. I therefore cannot be certain that the circumstances in those cases were directly comparable to those in the appeal before me. In any event, notwithstanding those other decisions referred to, I have considered this appeal on its own planning merits.
25. I have been referred to pre-application advice provided by the Council. However, I have considered the appeal on its planning merits, and such discussions as may have taken place between the Council and the appellant before and during the course of the application process do not alter my conclusions above.

Conclusion

26. On balance, I conclude that the proposed development would conflict with the development plan taken as a whole, and would not amount to sustainable

² Paragraph Reference ID: 21b-011-20140612

development under the terms of the Framework. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR