



Appeal Decision

Site visit made on 2 July 2019 by S Watson BA (Hons) MSc

by R C Kirby BA (Hons) DIPTP MRTPI

Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/A0665/W/19/3226238

Ashton House, Welsh Road, Little Sutton, Ellesmere Port, CH66 4QR

- 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 Andrew McCausland of Wirral Property Group against the decision of Cheshire West & Chester Council.
 - The application Ref 18/03026/FUL, dated 30 July 2018, was refused by notice dated 21 December 2018.
 - The development proposed is erection of new build dormer bungalow.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Mr Andrew McCausland against Cheshire West and Chester Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the surrounding area, having particular regard to the design and siting of the proposal, and
 - the living conditions of surrounding occupiers with particular regard to privacy and disturbance.

Reason for the Recommendation

Character and appearance

5. Ashton House is a semi-detached dwelling which fronts on to Welsh Road. The proposal is for the subdivision of the garden at Ashton House and the erection of a single-storey dwelling with accommodation in the roof. It would be accessed from Welsh Road, sharing the existing access to Ashton House.

6. Within the vicinity of the appeal site Welsh Road is characterised by a rural appearance and three dwellings set in large plots with vehicular access onto it. To the west of the appeal site is Ullapool Close. This is part of a large modern residential estate with predominantly detached dwellings, set in modest plots, accessed off small cul-de-sacs or estate roads.
7. The appeal proposal would result in the garden area of the host property being substantially reduced, such that the building to open space ratio of this dwelling and that of the proposal would be significantly smaller than nearby properties in Welsh Road. Although this would not be readily visible from Welsh Road because of the relationship of existing buildings and landscaping, the character of this area would be diluted as a result and its quality adversely affected. Nearby occupiers in Welsh Road would likely be aware of the new dwelling in any event and its presence would be likely to reduce the appreciation of the spacious environment they live within.
8. Notwithstanding the above, I acknowledge that there would be few visual clues to connect the proposed dwelling to Welsh Road and that from this road the new dwelling would visually appear as part of the residential estate behind, particularly given its design. However, be that as it may, from Ullapool Close, it would be obvious that the new dwelling was within the rear garden environment of one of the Welsh Road properties because there would be no vehicular or pedestrian access onto the Close. It would be visually and spatially isolated from the Ullapool Close dwellings given this matter and the likely boundary treatment that would be used to provide privacy and security to the new dwelling. The proposal would appear incongruous with the open frontages of Ullapool Close and harm the legibility of the area.
9. Furthermore, the siting of the new dwelling and its gable wall at the otherwise visually open end of the street would be prominent and intrusive within the street scene. I note that there is currently a tree to the south of the site, which would go some way to screen the proposed building. I also acknowledge that the appellant has offered to provide further landscaping. However, the tree could be removed or die and so cannot be relied on to reduce the visual impact of the proposal. Moreover, landscaping would take a considerable time to mature and even then, it would be unlikely to mitigate the harm that I have identified.
10. It has been raised that Meersbrook and No 19 Roxburgh Road have a similar relationship as the proposal would with Ashton House. However, I find that the circumstances of both are substantially different and so I give this matter little weight in my consideration of the proposal.
11. In all I consider that the siting of the proposed dwelling would not respect the character and appearance of the surrounding area and as a result harm would be caused. This would be in conflict with Policy ENV 6 of the *Cheshire West and Chester Council Local Plan (Part One) Strategic Policies* (LP1) which seeks to, amongst other things, respect local character and achieve a sense of place through appropriate layout and design. I acknowledge that both parties have given the Council's *Supplementary Planning Guidance: Infill Plots in Built Up Areas* (SPG) limited weight, due to the age of its adoption. However, the appeal proposal would conflict with the guidance of this SPG also.

Living conditions

12. The appeal site is a rear garden serving Ashton House which is primarily bounded by gardens, with the exception of the dwelling at No 4 Ullapool Close which adjoins its southern boundary. The garden is in a relatively quiet location with some background noise from Welsh Road. Due to the large gardens serving Ashton House and Fosna there is a sense of privacy between properties.
13. The appeal proposal would however take first floor windows significantly closer to those within the front elevation of No 6 Ullapool Close. The new windows would also afford views into the rear garden of No 15 Roxburgh Road. The current level of privacy that these properties benefit from would be significantly diminished as a result of the proposal. I acknowledge that the appellant has offered to provide obscure glazing on part of the window serving the southern, front bedroom. However, I consider that such measures would not mitigate the loss of privacy that would occur.
14. There is currently no vehicular access into the rear garden of Ashton House. The existing outbuilding would be demolished and a new vehicular access to serve the new dwelling would run in close proximity to the windows serving Ashton House and No 6 Ullapool Close and their respective rear gardens. Although the vehicle movements associated with one dwelling would be unlikely to be significant, the proposal would introduce vehicular activity into a largely quiet area. The noise from motor vehicles manoeuvring in a low gear and vehicle doors being shut, in close proximity to both properties would be likely to cause sudden or jarring noises which would attract attention. This noise would be intrusive and noticeable over the steady background noise produced by vehicles moving at high speed along Welsh Road. There would be a high probability that disturbance would be likely to be caused to those occupiers living closest to the new vehicular access. The enjoyment of nearby properties and their gardens would be likely to be reduced as a result of the proposal.
15. Given my findings, I conclude that the proposal would result in significant harm to nearby occupiers' living conditions in terms of loss of privacy and noise disturbance. This would be in conflict with Policy SOC 5 of LP1 and Paragraph 127(f) of the Framework which require development to not result in significant adverse impacts on health and quality of life, including residential amenity.

Other Matters

16. The appellant has raised that they were disadvantaged by the planning application process. This does not have any bearing on the merits of the proposal before me and is considered separately under the application for costs.
17. There is no dispute that the appeal site is within a sustainable location. However, this matter does not justify the appeal proposal or outweigh the harm that I have identified. I have no substantive evidence before me to demonstrate that the tilted balance given by paragraph 14 of the Framework is applicable in this case. Whilst the appellant has directed my attention to an emerging plan, I am not aware of the current status of this document and so have limited my recommendation to the policies against which the application was decided.

Conclusion and Recommendation

18. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R C Kirby

INSPECTOR