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## Appeal Decision

Site visit made on 29 August 2019

**by D Child BA BPL MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 September 2019**

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**Appeal Ref: APP/A0665/D/19/3225020**

**7 Flashes Lane, Ness, Neston CH64 4BL**

- 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 M Bemrose against the decision of Cheshire West & Chester Council.
  - The application Ref 18/02522/FUL, dated 29 June 2018, was refused by notice dated 25 January 2019.
  - The development proposed is a first-floor extension along with a single storey rear extension.
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### Decision

1. The appeal is allowed, and planning permission is granted for a first-floor extension along with a single storey rear extension at 7 Flashes Lane, Ness, Neston CH64 4BL, in accordance with the terms of the application, Ref 18/02522/FUL, dated 29 June 2018, subject to the following conditions:
  - 1) The development hereby permitted shall be begun within three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Title number CH475865); Proposed Plans and Elevations Drawing no. PL02 Rev C; Existing and Proposed Site Plan Drawing no. PL03 Rev C; and Proposed Block Plan Drawing no. PL06 Rev D.
  - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. PL02 Rev C.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension of the dwelling shall be erected other than those expressly authorised by this permission.

### Procedural Matter

2. During the course of the application the appellant reduced the size of the proposal by deleting a conservatory, reducing the ridge height and the width of the first-floor addition. The Council consulted neighbours on the revised plans and considered the application on this basis. As I am satisfied that it would not prejudice either main party, I shall therefore proceed to consider the proposal on the basis of the revised plans before me.

## **Main Issue**

3. The main issue is the effect of the proposed development on the host dwelling and the character and appearance of the area.

## **Reasons**

4. The appeal dwelling is a previously extended detached bungalow, located adjacent to a pair of two-storey semi-detached dwellings and accessed from a narrow track leading from Flashes Lane. Dwellings to the north and west are also of two-storey construction, and, in part, this defines the character and appearance of the area and establishes a strong sense of place. While the site is situated adjacent to an area of Local Green Space, classed as an Area of Special County Value, within the Designated Green Belt, it is common ground that the appeal site is not within either.
5. Saved Policy H6 of the Ellesmere Port and Neston Borough Local Plan (the EPNBLP) states that extensions should be in keeping with the character, scale, design and materials of the original dwelling and surrounding area. The proposed scheme would add a first floor to the host dwelling, with a hipped roof, and a single storey rear extension.
6. As a result of the vertical scale of the proposal, it would significantly alter the character and appearance of the host dwelling, adding considerable bulk and mass at first floor level. Although the existing bungalow is of little architectural merit, because of the scale of the additions in relation to the host dwelling, it would therefore technically conflict with Policy H6 of the EPNBLP.
7. The proposal would however follow the established building line. The hipped roof would reflect the design and appearance of adjacent examples and the garden would be of a similar size. Moreover, the ridge height would be lower than adjacent dwellings. As a result, the proposal would appear as a natural extension of the existing built form of development on the lane, and it would therefore follow the established spatial character of the area.
8. The proposed scheme would not be overbearing on the street scene or materially harm its landscape setting, or the adjacent village green. It would not harm the visual amenity and openness of the adjacent Green Belt. Therefore, it would not conflict with the Green Belt policies of the National Planning Policy Framework 2019 (the Framework).
9. While the proposal would technically conflict with Saved Policy H6 of the EPNBLP, I therefore find that the proposed development would not harm the character and appearance of the area or the street scene. Because of this, it would accord with the exception rule set out in Paragraph 5.19 of the Ellesmere Port and Neston Borough House Extensions Supplementary Planning Document (the SPD) for extensions that provide an additional storey.
10. Accordingly, the proposal would not conflict with Policy ENV 6 of the Cheshire West and Chester Council Local Plan adopted in 2015 (the Local Plan), which, amongst other things, requires that development where appropriate should respect local character and achieve a sense of place through appropriate layout and design. The scheme would accord with Paragraph 127 of the Framework, which seeks to ensure that developments are visually attractive as a result of good architecture and layout; are sympathetic to landscape setting; and maintain a strong sense of place.

## **Other Matters**

11. The access and parking arrangements would be satisfactory, and, given the domestic scale of the proposal, there is no evidence that highway safety would be compromised by construction traffic. Given the nature of the proposal, it would not result in unacceptable levels of noise, or exceed the capacity of local surface water drainage infrastructure.
12. Maintenance of private sewerage systems is a private matter between the relevant parties and does not alter the planning merits of the proposal, and, while there is concern that the proposal might result in a House in Multiple Occupation use, that is not what the proposal is for.
13. The site is not located within Ness Conservation Area, and, given the separation distance and lack of any significant degree of inter-visibility, the proposal would not therefore harm the setting of the heritage asset.
14. I acknowledge concern that the proposal would harm the living conditions of neighbours. However, the Council did not refuse planning permission for this reason. From what I saw at my visit and the plans before me, I concur with the Council's assessment that the proposal would not result in significant adverse effects on the living conditions of neighbours. Accordingly, the proposed scheme would comply with the residential amenity protection aims of Local Plan Policy SOC 5, and the SPD.

## **Conditions**

15. A three-year time limit for commencement condition is necessary, and, to provide certainty, the approved plans need to be specified. In the interest of protecting the visual amenity of the area, a condition is necessary to specify the external surfaces of the development.
16. In the absence of evidence that Great Crested Newts are present or that there would be harm to their habitat, conditions in this regard are not necessary. Given the nature and scale of the proposal, it is not necessary to preclude removal of hedgerow during the bird nesting season.
17. Having regard to the potential for further extensions to the appeal dwelling to affect the living conditions of neighbours, and in accordance with Paragraph 53 of the Framework, there is clear justification for the removal of permitted development rights for extensions.

## **Conclusion**

18. For the above reasons, I conclude that the appeal should be allowed, and planning permission should be granted.

*D Child*

INSPECTOR