



Appeal Decision

Site visit made on 12 August 2019 by Hilary Senior BA(Hons) MCD MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 23 September 2019

Appeal Ref: APP/A0665/W/19/3226394

34 Rivacre Brow, Ellesmere Port, CH66 1LF

- 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 Graham Harris against the decision of Cheshire West & Chester Council.
 - The application Ref 18/04310/FUL, dated 3 November 2018, was refused by notice dated 14 March 2019.
 - The development proposed is pair of semi-detached dwellings.
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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.

Preliminary Issue

3. Since the application was determined, the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies Plan (July 2019) has been adopted by the Council. The wording of the relevant policy, policy DM 3, is similar to that of the publication draft version on which the Council based its decision and on which the appellant has commented. Consequently, I have referred to the most up to date version of the Local Plan in my decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the local area.

Reasons

5. The appeal site currently forms the side garden of 34 Rivacre Brow and adjoins the rear garden of neighbouring properties on Hillside Drive. Rivacre Brow and the surrounding streets are characterised by semi-detached single storey prefabricated buildings. They are mainly in open plots, set back from the highway and with low boundary treatments. They are of a similar design, although as some properties have been updated, external materials are mixed. Those properties on the northern side of Rivacre Brow are set in a staggered arrangement facing the highway.

6. The proposal is for a pair of semi-detached bungalows to be sited in the garden of and to the side of the host property. The previously substantial garden of 34 Rivacre Brow has already been reduced in size by the construction of a close boarded fence in order to create the proposed building plot. The appeal site is fronted by a hedge which will be removed to allow the proposed off-road parking.
7. The proposed bungalows would be of a similar design and scale to that of the surrounding dwellings. However, the rear garden of the proposed bungalows would be materially smaller than those in the surrounding area. As such, the overall plot size and rear gardens particularly would not be characteristic of those in the surrounding area. Whilst I acknowledge that they may be useable spaces, albeit very limited in size, they would not provide any significant depth to the plots and as such would be at odds with the spatial arrangement of the estate. In addition, the dwellings would be set considerably forward of the neighbouring properties and would not respect the building line or the gently staggered arrangement of buildings.
8. For that reason, the proposal would appear as a discordant feature in the street scene that would not reflect the established layout and pattern of development. Consequently, the proposal would have an adverse impact on the character and appearance of the area.
9. For these reasons the proposal would be contrary to Policy ENV 6- High Quality Design and Sustainable Construction of the Cheshire West And Chester Local Plan (Part One), Policy DM 3- Design, Character and Visual Amenity of the Cheshire West And Chester Local Plan (Part Two) which together seek to ensure that development promotes high quality design, is in keeping with the prevailing layout and respects local character.
10. I have taken into consideration the appellant's comments on the Supplementary Planning Guidance (SPG): Infill plots in the built-up area. However, as I have found that the proposal would be contrary to the development plan, this document has not been determinative in my decision.
11. I acknowledge that the proposal would provide two additional dwellings for either a small family or older people within an established residential area. This is a benefit of the scheme to which I give limited weight in support of the proposal. However, given that the development would not respect the character and appearance of the area for the above reasons, it would not constitute the sustainable development which the government seeks to promote. Consequently, these benefits would not outweigh the harm I have identified.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEALS PLANNING OFFICER

Inspector's Decision

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

Susan Ashworth

INSPECTOR