



Appeal Decision

Site visit made on 29 October 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2019

Appeal Ref: APP/A0665/W/19/3233773

18 Senna Lane, Comberbach, Northwich CW9 6BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs T Evans against the decision of Cheshire West & Chester Council.
 - The application Ref 18/04275/OUT, dated 1 November 2018, was refused by notice dated 5 June 2019.
 - The development proposed is construction of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs T Evans against Cheshire West & Chester Council. This application is the subject of a separate Decision.

Procedural Matter

3. The planning application is submitted in outline with all detailed matters reserved. Drawing nos. 0712-01 dated 14 September 2018 and 0712-02 dated 3 April 2019 accompany the planning application and I have taken these into account insofar as establishing whether or not it would be possible, in principle, to erect a dwelling on the site.

Main Issue

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

Reasons

5. The host property is a two storey semi-detached house occupying a prominent position on the corner of Senna Lane and Mather Drive. Senna Lane has a very strong pattern of development, properties are laid out in a linear format with a strong building line and long gardens, there are a range of types and sizes of properties on either side of the road and overall it has a spacious character.
6. At the corner of Senna Lane and Mather Drive the character alters and the houses are laid out in a more organic way. Properties are mostly semi-detached set out in clusters which follow the curves of the road, and where the road straightens there are some short terraces. Due to the street layout, the

- corner properties sit at an oblique angle and the result is that the plot sizes are varied.
7. The host property sits centrally in a large triangular shaped plot which tapers towards the front and rear boundaries leaving a larger open garden area at the side of the property. The appeal proposal would see the construction of one dwelling in the side area of the garden. This would effectively infill a gap between the host property and No 1 Mather Drive.
 8. Policy ENV 6 of the Cheshire West and Chester Local Plan Part One (CWCLP 1) and Policies DM3 and DM19 of Cheshire West and Chester Local Plan Part Two (CWCLP 2) support residential development on unallocated sites or garden areas within settlements where, amongst other things, it would respect the scale, character and appearance of the existing building within the site or contribute positively to the character of the area.
 9. The appellant has provided two sets of indicative plans which show how the site could be developed. I acknowledge that all detailed matters are reserved for a future application. However, I have not been persuaded that in principle it would be possible to erect a dwelling on the site without material harm being caused to the character and appearance of the area. Indeed, any dwelling on the appeal site would likely appear cramped within its plot and, furthermore, such development would significantly detract from the prevailing and characterful sense of space that exists between and around corner plot dwellings in the locality.
 10. For the above reasons, I conclude that the proposed development would conflict with the character and appearance aims of Policy ENV 6 of the CWCLP 1 and Policies DM3 and DM19 of the CWCLP 2.

Other Matters

11. The appellant has referred to permitted development rights as a potential fall-back position. However, I have seen nothing to suggest that the appellant would genuinely pursue this option if the appeal failed or that persuades me that the resulting development would be similar to, or materially worse than what is currently proposed. As such, this matter does not outweigh my conclusion on the main issue.

Conclusion

12. For the reason set out above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR