
Appeal Decision

Site visit made on 4 December 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/A0665/D/19/3237091
112 Cromwell Road, Northwich CW8 4BX

- 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 David Escott against the decision of Cheshire West & Chester Council.
 - The application Ref 19/00185/FUL, dated 16 January 2019, was refused by notice dated 4 July 2019.
 - The development proposed is a part single storey, part two storey extension to the side and front.
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Decision

1. The appeal is allowed and planning permission is granted for a part single storey, part two storey extension to the side and front at 112 Cromwell Road, Northwich CW8 4BX in accordance with the terms of the application, Ref 19/00185/FUL, dated 16 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 88/18/LP, 88/18/BP, 88/18/3 and 88/18/4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Procedural Matter

2. Since planning permission was refused the Council has adopted the Cheshire West and Chester Local Plan (Part Two): Land Allocations and Detailed Policies 2019 (P2LP). Accordingly, the policies contained within it are to be given full weight in the determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed extension on (i) the character and appearance of the pair of semi-detached dwellings and the surrounding area and (ii) the living conditions of the occupiers of 114 Cromwell Road, with reference to the impact upon their kitchen window.

Reasons

Character and appearance

4. The surrounding area is characterised by semi-detached dwellings arranged relatively uniformly along Cromwell Road. Various extensions and alterations to the dwellings are noted, however these have generally been undertaken in a sympathetic manner and have maintained the pleasant suburban character and appearance of the area and of the dwellings themselves.
5. The design of the proposed extension would ensure that it would not dominate or unreasonably unbalance the existing pair of semis, in particular in terms of its subordinate width and its significantly lower ridge height. Overall, the design would ensure that it had an appropriate, subservient appearance. Whilst the Council's House Extension Supplementary Planning Document 2006 (SPD) makes reference to a set-back from the existing front elevation, the proposal as submitted would not cause harm with respect to unbalancing. Accordingly, a set-back is not justified, or necessary, in this instance.
6. For these reasons, I conclude that the proposed development would not cause harm to the character and appearance of the pair of semi-detached dwellings or the surrounding area. There would therefore be no conflict with the design aims of Policy ENV 6 of the Cheshire West and Cheshire Council Local Plan Part One: Strategic Policies 2015 (P1LP), Policy DM 3 of the P2LP and the SPD, all of which seek to safeguard character and appearance.

Living conditions

7. At the present time, the kitchen window of 114 Cromwell Road faces towards a boundary wall and an existing single storey extension to the side of the appeal dwelling. This current arrangement limits the amount of light reaching the room and the outlook from the window. The proposed development would not be sited in the area to which the kitchen window of No 114 faces and would not in my judgement materially affect the amount of light reaching the room or the outlook from the window. Therefore, there would be no harm caused to the living conditions of the occupiers of No 114.
8. I conclude that the proposal would not cause harm to the living conditions of the occupiers of No 114 and that there would be no conflict with Policy SOC 5 of the P1LP or the SPD where they seek to protect living conditions. The Council's reason for refusal relating to living conditions refers to Policy DM 3 of the P1LP but this policy relates to design. However, the Council's Delegated Report also includes reference to Policy DM 2 of the P2LP which does relate to living conditions and with which I too find there to be no conflict.

Other Matters

9. A representation has been submitted that raises concern about the proximity of the proposed extension to the common boundary and the potential for this to increase noise. However, the use of the extension would be for residential purposes and therefore would not generate unreasonable levels of noise. It is noted that concern has also been raised regarding noise and parking during the construction of the development, however any such impacts would be temporary occurrences and do not justify the withholding of planning permission.

10. Whilst reference has been made to the parking arrangements at the appeal dwelling and the ability to accommodate certain vehicles, no objection has been raised by the Council in this respect. Based on the evidence before me I have no reason to disagree with the conclusion that the Council has come to on this matter. The development would be reasonable in its scope, and in my view would not represent an overdevelopment of the site. Loss of property value is not a matter that can be considered as part of this appeal.
11. Concern has also been raised regarding the positioning of an existing building adjacent to the common boundary, but this building does not form part of the proposal subject to this appeal. However, related to this matter, I note that the plans submitted suggest that there is potential for the eaves of the single storey element of the appeal proposal to overhang the boundary. As the planning application form indicates that Certificate B was served, I am satisfied that the correct procedure has been followed in this respect. The granting of planning permission does not however override private legal rights relating to development and land ownership.

Conclusion

12. For the reasons given above, I conclude that the appeal, subject to conditions, should be allowed.

Graham Wraight

INSPECTOR