



Appeal Decision

Hearing Held on 27 September 2019

Site visit made on 27 September 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2020

Appeal Ref: APP/A0665/W/19/3220775

**Former Royal British Legion Services Club, Hooton Road, Willaston,
Neston CH64 1SJ**

- 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 McCarthy and Stone Retirement Lifestyles Ltd against the decision of Cheshire West & Chester Council.
 - The application Ref 18/01252/FUL, dated 29 March 2018, was refused by notice dated 7 September 2018.
 - The development proposed is erection of retirement living housing (category II type accommodation) with associated communal facilities, landscaping and car parking, following demolition of existing building/structures.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to the appeal being submitted, the Council has adopted the Local Plan (Part Two) Land Allocations and Detailed Policies (i.e. the 'Detailed Policies') and has deleted the Ellesmere Port and Neston Borough Local Plan. The main parties as well as other parties have had the opportunity to comment on the new development plan. I have therefore considered the appeal against the relevant adopted policies and make no further reference to the previous development plan.
3. Following the Hearing, the Government published the National Design Guide (NDG) and updated the Planning Practice Guidance (the Guidance) in relation to design. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the comments made as well as the NDG and Guidance in reaching my decision.
4. The description of development in the heading above has been taken from the planning application form which differs from that on the Council's decision notice, particularly with reference to "category II type accommodation". This wording was agreed by the main parties at the Hearing.

Main Issues

5. The main issues in this appeal are:

- The effect of the proposal on the character and appearance of the area; and
- The effect of the proposal on the living conditions of nearby residents with regards to outlook, privacy and light.

Reasons

Character and Appearance

6. The site is in the large village of Willaston. It faces onto Hooton Road which is one of the main routes into the village and which is characterised by large dwellings set in substantial plots, including the immediately adjacent property of 20 Hooton Road. The village centre contains a mix of building types and ages set around a village green/parking area traversed by highways. The site is also bounded by modern residential estates of a pleasant suburban character.
7. The appeal site consists of a former social club building set within a large plot. The building is of a functional and non-descript design, but due to its small scale it does not detract unduly from the character of the area. There is an extent of hardstanding to the front and side of the building which provided car parking and servicing areas, and an extent of grass to the rear which previously contained a bowling green. There are a number of trees near to the site boundary which provide a degree of screening around the site, particularly a strong line of mature trees along Hooton Road.
8. The proposed development would be a roughly 'T' shaped building of a significant scale and mass. In an attempt to break up the scale of the building when viewed from Hooton Road, the front elevation is designed to appear as four blocks of housing of different design, albeit linked by subsidiary elevations set back behind the main façade. Whilst I am not persuaded that this would be entirely successful in mimicking the appearance of separate dwellings, I consider that this would be an acceptable approach to breaking up the massing of the front elevation within this wider residential context.
9. However, even allowing for the use of the design 'blocks' and the set back of parts of the roof of the frontage, I consider that the roofscape due to its height and scale would appear as an obtrusive feature extending across almost the full width of the site. The two central blocks in particular would appear as substantial buildings which would contrast uncomfortably with the predominant two-storey design of dwellings in this part of the village. Rather than breaking up the massing of the roofscape, the design features of the two central blocks including dormer windows and a substantial top-heavy gable roof with unusual fenestration would appear as contrived and incongruous features which would draw the eye to the bulk and massing of the roofscape.
10. Furthermore, the substantial 2.5 and 3-storey elevations and roofscape set behind the frontage of the building would be apparent in views from surrounding areas. Whilst this element of the proposal would mainly be viewed through the gaps between nearby buildings, I saw that the scale and massing of the building would be readily apparent when passing through those areas. Within this context, the scale of the building as a whole, including 3-storey

flank walls and an obtrusive roofscape, would be incongruous features significantly at odds with the character of built development within the village. Moreover, I consider the roofscape behind the frontage would also be apparent in views from Hooton Road, which would further diminish any benefit arising from the treatment of the front elevation. Whilst the scale of the building would drop to the rear, I consider that this would serve to emphasise the incongruous height and massing of the 2.5-3 storey elements of the development.

11. The Council also expresses concern that the proposed car park to the front of the building would lead to a car-dominated frontage which prioritises vehicles over pedestrians, and which segregates the site from the surrounding community. Although I have a degree of sympathy with the Council's concerns, I saw that the existing site layout also includes a large extent of car parking to the front of the site. Whilst there are no other substantial car parking courts to the front of plots in this part of the village, there is also not a clear building line along this part of Hooton Road. I also saw that there was a parking area within the core of the village as well as parking associated with a nearby public house. I am also mindful that the provision of a car parking/servicing area to the front of the site would separate traffic movements and associated disturbance from dwellings to the rear. On that basis, and subject to a suitable landscaping scheme, I consider that the location of car parking to the front of the site does not weigh against the appeal proposal.
12. The appellant suggests that the varying height of the building would be within the range of heights found locally. Reference is also made to 3-storey buildings in the area including the nearby Cannell Court as well as more traditional buildings. However, I saw that Cannell Court served to confirm the incongruous nature of buildings of this scale within the setting of the village. The other examples provided by the appellants are of a more traditional nature representative of the historic development of the village and which do not justify a building of the scale or design of the proposal.
13. The frontage of the building and the car parking area would be set behind planting including mature trees to the front of the site. However, the scale of the building would be apparent from Hooton Road in views enabled by the site access and the screening effect would be further reduced when the trees are not in leaf. Moreover, the planting to the front would not mitigate the views of the rear of the building which would be apparent from the wider area.
14. For the above reasons I conclude that due to its scale, massing, location and design the proposal would lead to significant harm to the character and appearance of the area. This would be contrary to Policy ENV6 of the Council's Local Plan (Part One) Strategic Policies 2015 (i.e. the 'Strategic Policies') and DM3 of the Detailed Policies which together expect development to achieve a high standard of design that respects the character and protects the visual amenity of the local area. The proposal would also conflict with the National Planning Policy Framework (the Framework) with regards to achieving well designed places, as well as the design aims of the Guidance and the NDG.

Living Conditions

15. As part of my site visit I was able to view the site and the relationship with surrounding residential properties at 20 Hooton Road as well as properties on Old Farm Close and Old Vicarage Road.

16. Sections provided by the appellants indicate that the proposed 2-storey elements of the proposal would be of a similar height to nearby dwellings on Old Farm Close and Old Vicarage Road. However, these elements of the proposed building would be of a substantially greater width than a typical dwelling house. Based on what I have seen and read, the proximity of a building of this scale close to the rear boundaries and elevations of the adjacent properties would have a visually intrusive and oppressive effect on neighbouring residents. Whilst I acknowledge that the 3-storey elements of the proposal are set further within the appeal site, the increased scale and massing of the building as a whole would be apparent from adjacent properties which would add to the intrusive and overdominant relationship with nearby dwellings.
17. With regards to 20 Hooton Road, I also saw that the scale and massing of the proposal would lead to an overbearing and intrusive effect on the rear garden of the property.
18. With regards to privacy, the proposal will include a number of Juliet balconies at first floor and second floor level. Even allowing for separation distances from nearby properties, the balconies at second floor level would provide an extended and elevated field of view of the rear of properties on Old Farm Close to the detriment of the living conditions of residents resulting from loss of privacy and perceived overlooking. A number of balconies at first floor level would also be located close to the site boundary, and whilst the prevailing view from these would be within the appeal site, the extended field of view provided by the first floor balconies would also be detrimental to the level of privacy that nearby residents could reasonably expect.
19. Reference has been made to the separation distances given in Council guidance¹. There was some debate at the Hearing as to the status of this guidance following the adoption of the Council's Detailed Policies. However, even if I were to accept that the separation distances are extant, I am mindful that these are guidance and that an assessment of the proposal should be carried out on its own merits. On that basis, whilst I have had regard to the separation distances as referred to by both the Council and the appellants, this does not lead me to a different conclusion on the adverse effect of the proposal on the living conditions of nearby residents.
20. With regards to light, the appellant has undertaken a daylight and sunlight assessment which concludes that the development would have a very high level of compliance with the BRE Guidelines. Although there was some discussion at the Hearing as to the accuracy of the plans and the model used for the proposed development, based on what I have seen and read I have no substantive reason to doubt the robustness of the assessment prepared by the appellants. I am also mindful of the Framework which advises a flexible approach in applying guidance relating to daylight and sunlight.
21. I have some sympathy with the Council's contention and comments raised locally that the degree of loss of daylight and sunlight would add to the overbearing effect of the proposal. However, it is reasonable to assume that any development which would make efficient use of the site could lead to a loss of light for surrounding properties, and on the basis of the evidence before me

¹ Cheshire West SPD 'Design for Residential Development' and Ellesmere Port and Neston Borough Supplementary Planning Guidance 'Infill Plots in Built-up Areas'.

the potential loss of light taken by itself is not a determinative factor in dismissing this appeal. That said, this does not lead me to a different conclusion with regards to the overbearing visual effect of the proposal.

22. My attention has been drawn to the effect on a permitted extension at 20 Hooton Road. The appeal proposal would be located in close proximity to first floor windows in the side of the extension and would potentially lead to an overbearing impact and significant loss of light to these windows. However, on the basis of the evidence before me, these windows would have obscured glazing and would be secondary windows serving a stairwell and access. Moreover, the room would have larger windows on the front and rear elevation which would provide suitable light and outlook. The upper windows on the appeal proposal may also provide a degree of intervisibility with rooflights on a proposed rear extension at No 20. However, these rooflights would not be the primary windows for the extension and matters of privacy could be addressed through methods such as obscured glazing. The effect on the proposed extension to No 20 does not therefore weigh against the appeal proposal.
23. Notwithstanding my conclusions with regards to the effect on light and a proposed extension at No 20, I conclude that the proposal would lead to significant harm to the living conditions of nearby residents due to an overbearing effect on outlook and loss of privacy. The proposal would therefore be contrary to Policies SOC5 of the Strategic Policies and DM2 of the Detailed Policies which together seek to ensure that development does not result in a significant adverse impact upon the residential amenity of the occupiers of existing properties.

Other Matters

24. The appellant emphasises the critical need for the type of accommodation proposed, and I have had regard to the evidence provided in respect of meeting the needs of an ageing population. In its appeal statement the Council appears to question whether the need is as urgent and pressing as suggested by the appellant, although I note that Policy SOC3 of the Strategic Policies specifically refers to meeting the long-term needs of older people. The Council also accepts that the appeal site is in a sustainable location with good access to services. The proposal may also make family housing and other forms of accommodation available elsewhere as residents move into the scheme. Within this context, I consider that the proposal would meet a clear need for the type of housing proposed and that this should carry substantial weight in favour of the proposal.
25. That said, I note that the Council does not object in principle to the type of accommodation proposed or the redevelopment of the site. Therefore, it may be that a more appropriate design of development could also contribute to meeting the need for this form of accommodation, albeit potentially with a reduced quantum of accommodation. Mindful of this, the substantial benefits that would arise in respect of meeting the housing needs of the area would not outweigh the fundamental concerns I have identified in respect of the main issues.
26. Comments raised locally contend that development of the site should solely meet the housing needs of Willaston. However, I consider that sites in sustainable settlements such as this can make a valuable contribution to

meeting the housing needs of the wider area and should be assessed on that basis.

27. The proposal would make a financial contribution towards off-site provision of affordable housing as well as contributions to allotments, sports, parks and recreation facilities. Residents of the site would also contribute to the support of services and facilities within the village. However, similar contributions could also be made from a more suitable form of development on the site. Within that context, I give these matters no more than moderate weight in favour of the proposal.
28. The proposal would lead to economic investment in the area during construction, although this would be for a limited period of time. The proposal would also lead to direct employment once completed, although the evidence suggests that this would be to a limited degree. Whilst I acknowledge the aims of the Framework with regards to supporting economic growth and productivity, within the context of this proposal I give these matters only limited weight in favour of the appeal.
29. Hooton Road leads to the historic core of the village which forms part of the Willaston Conservation Area which is in relatively close proximity to the site. Despite this proximity, the appeal site is not readily visible from within the CA, even allowing for the location of the site adjacent to one of the main routes into the CA. I saw that the proposal would not therefore harm the character or appearance of the CA and would preserve its setting. I note that this reflects the conclusion of the Council with regards to the effect on the CA and its importance as a designated heritage asset. However, this does not lead me to a different conclusion with regard to the harm that would arise from the proposal in respect of the character and appearance of the wider area.
30. I have had regard to concerns raised locally on matters including highways, trees, drainage and service provision within the village. However, given my findings above, it is not necessary for me to consider these matters further.

Conclusion

31. I am mindful of the benefits of the proposal, including the substantial benefit that would arise from meeting the needs of older people. However, these benefits would be significantly and demonstrably outweighed by the substantial harm that would arise to the character and appearance of the area and the living conditions of nearby residents.
32. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

Appearances

FOR THE APPELLANT:

John Barrett	Counsel for appellants
Christopher Butt	The Planning Bureau
Kenny Brown	Townscape Solutions
Neil Appleton	Transport Planning (York) Limited

Sam Wallis GIA Chartered Surveyors
Jago Keen Keen Consultants

FOR THE COUNCIL:

Steven Holmes Cheshire West and Chester Council
Neil Casselden Fisher German LLP

INTERESTED PERSONS:

Susan Channon	Willaston Residents' and Countryside Society
Glenn Ayres	Local Resident
Lindsay Ayres	" "
Iain Henrys	" "
Jonathan Foulkes	" "
Gordon Watson	" "
Christine Barnes	" "
Joy Watson	" "
Trish Mellor	" "
John Mellor	" "
S Shaw	" "
Anne Thomson	" "
Judith Horsburgh	" "
Jennifer Williams	" "

Documents Submitted at the Hearing

1. Planning Obligation by Unilateral Undertaking dated 27 September 2019
2. Visually Verified Montages, NPA Visuals ref. NPA 10984 120 MCS, September 2019.
3. Consultee comments including Environmental Protection, Greenspace, Highway and Biodiversity Officers.
4. Dimensioned Street Elevation, Townscape Solutions ref. DSE-01 rev. B, 26 September 2019.
5. Hard copy of elevation block plan.
6. Healthier and Happier, a report by WPI Strategy for Homes for Later Living, September 2019.

Documents Received Following the Hearing (by Request of the Inspector)

1. Comments on the National Design Guide submitted on behalf of the Council and the appellants.