



Appeal Decision

Site visit made on 28 January 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/A0665/W/19/3239026

Scatchards, 19 Charles Street, Hoole, Chester, Chester West and Chester CH2 3AY

- 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 Buchanan, LDF SSAS against the decision of Cheshire West & Chester Council.
 - The application Ref 18/04421/FUL, dated 12 November 2018, was refused by notice dated 11 July 2019.
 - The development proposed is for full planning permission for 2 retail units and 2 apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the submission of this appeal, planning permission has been granted for 2 retail units and one apartment at No 19 Charles Street (19/02873/FUL). Construction work has already commenced on site on this approved application. I have taken into account the granting of planning permission for this proposal. However, it is evident that this development does not include the extension above the single storey element of the host property. I have therefore assessed this appeal on its own merits.
3. I have taken into consideration that the Cheshire West & Chester Council Local Plan (Part Two), Land Allocations and Detailed Policies (July 2019), was adopted after refusal of planning permission. All parties were invited to provide comments on this document in relation to this appeal. No comments were received, and I have therefore assessed this appeal on the information before me.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 34 Westminster Road, with particular respect to outlook and daylight.

Reasons

5. The appeal property is a retail unit on the corner of Charles Street and Westminster Road. This building has a 2-storey frontage onto both Charles

Street and Westminster Road, and a single storey, flat roofed section fronting onto Charles Street. The building also adjoins No 34 Westminster Road and the single storey element shares a party wall along the garden boundary with No 34.

6. The proposed development would convert and extend the existing building into 2 retail units on the ground floor and 2 residential flats on the first floor. One of the residential flats would require a second storey to be built over the single storey elevation on Charles Street.
7. The proposed new first floor residential extension would run the entire length of the garden of No 34. This additional storey would result in an increase in height of the boundary wall between No 34 and No 19 Charles Street of approximately 3m. The proposed extension would also have a new pitched roof which would be the same height as the host building.
8. The proposed development would have little impact on the outlook from the first-floor window of No 34. The occupants do have oblique views from the rear windows of the ground floor habitable rooms, onto the entire length of the existing flank wall. However, some outlook is available to the occupiers over the top of this building at the present time. The depth, height and close proximity of the proposed extension, would cause almost a complete loss of outlook in a northerly direction and create a sense of enclosure for the occupiers of No 34.
9. I accept that the garden at No 34 already has a sense of enclosure and limited outlook to the north due to the existing party wall. However, the increase in height of this wall due to the new development would be significant, as it would be approximately 5.8m in height to the eaves, forming a solid mass along the boundary of the rear garden of No 34. The sense of enclosure for the occupants of this property would be exacerbated further by the narrow width of their garden. The plot is approximately 4 m wide and the proposed solid wall would dominate and tower over this modest garden. This would be overbearing and have a significant detrimental effect on the outlook for the occupiers of this property.
10. The Solar Analysis clearly shows that the proposal would have no impact on sunlight and there would be no overshadowing of No 34 or its garden. The height and close proximity of this development to this neighbouring property would lead to a slight loss of daylight. However, this would not be significant and would be mitigated by the white rendered walls, which are proposed by the appellant and would result in the reflection of light.
11. As referenced above, planning permission has already been granted for 2 retail units and one apartment at No 19. This approved development has no extension above the single storey section of the host property. Nevertheless, it would involve the replacement of the existing flat roof with a new pitched roof.
12. However, it would retain the boundary wall at approximately the same height, thereby not increasing the sense of enclosure or dominating the garden. The angle of the roof would also allow considerably more outlook to the occupants of No 34 from both the house and the garden. Consequently, the construction of only the new pitched roof would not cause the same sense of enclosure or visual impact.

13. I recognise that the development would be sympathetically designed and would complement the existing streetscene, while providing additional residential accommodation in a sustainable location. However, these benefits are modest and do not outweigh the harm I have already identified above.
14. Consequently, I conclude that the proposed development would have a detrimental impact on the living conditions of the occupiers of No 34 Westminster Road, with particular regard to outlook. This is contrary to policy SOC 5 of the Cheshire West & Chester Council Local Plan (Part One) Strategic Policies, January 2015 and paragraph 12 of the National Planning Policy Framework, 2019. This requires that development complies with policy and should not have an adverse effect on health and well-being, including residential amenity.

Conclusion

15. The appeal proposal would not lead to a significant loss of daylight to the occupiers of No 34 Westminster Road. However, it would have a detrimental effect on their outlook, which outweighs the lack of harm found on the issue of daylight. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D Hilton-Brown

INSPECTOR