
Appeal Decision

Site visit made on 6 January 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Chris Hoult BA(Hons) BPhil MRTPI

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

Decision date: 2 March 2020

Appeal Ref: APP/R0660/W/19/3238379

32 Congleton Road, Sandbach, CW11 1HJ

- 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 and Mrs Robson against the decision of Cheshire East Council.
 - The application Ref 19/1343C, dated 18 March 2019, was refused by notice dated 24 April 2019.
 - The development proposed is a new dwelling.
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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.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to outlook,
 - whether the proposal would result in satisfactory living conditions for the occupiers of 32 Congleton Rd with particular regard to garden space, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The proposal is for a two bedroomed dormer bungalow in the garden of 32 Congleton Road, with access from Commons Mill on the edge of the commercial centre of Sandbach. The host dwelling is a two storey red brick built dwelling. To the rear of the appeal site the properties on Common Mills are single storey. The plot is delineated by a high brick wall, with a triangular shaped landscaping strip to the rear of the footway, and close boarded fencing to the boundaries with the adjacent properties.
5. The proposal would be within the current garden area of 32 Congleton Road. It would lie to the south east of 1 and 2 Common Mills. These properties, as well

as having a communal rear garden area of limited depth, have habitable rooms which would overlook the proposal. The proposal would retain the existing boundary wall. Its blank side elevation would face the dwellings on Common Mills. Its tall roof (required in order to accommodate bedrooms in the loft area) would render it higher than these single storey dwellings, in spite of the description of it as a 'dormer bungalow'. It would present an unrelieved mass of brickwork at close quarters in views from the gardens and facing windows to habitable rooms which the Council says are to kitchens and a bedroom. It would in consequence be overbearing in its appearance. Although the roof is proposed to be half hip, and so would run away in views from these dwellings, the gable end wall would nonetheless be the predominant feature.

6. The distance between the side elevation of the proposed dwelling and the rear elevations of 1 & 2 Commons Mill would fall below those suggested in the Supplementary Planning Guidance Note 2 Provision of Private Open Space in New Residential Developments (SPD2). The required distance referred to by the appellant, 10.7m, relates to conventional bungalows. In the light of its close proximity, and notwithstanding the amendments to the design of the roof to lessen its impact, the proposal would harm the outlook of the occupiers of Common Mills.
7. Turning to nos. 32 and 34 Congleton Road, the appeal property would be sited within its plot close to the common boundary between the site and these properties and therefore close to the area to be retained as garden for 32 Congleton Road. The proposed blank gable wall on the south-eastern elevation would be a prominent feature from both the garden area and the first-floor bedrooms of No. 32 facing the site, particularly as the appeal site is on raised ground relative to this dwelling. The separation distance between the proposal and no. 32 would be even more limited given that the proposal would occupy much of the original garden, leading to an overbearing impact on the outlook of residents of No. 32.
8. This poor relationship with neighbouring properties continues as the long rear elevation of the proposal would be very close to the shared boundary with 34 Congleton Road. The mass and height of the proposal would be readily apparent in views from the garden area and would have an overbearing impact on residents' outlook.
9. The proposal is therefore contrary to saved policy GR6 of the Congleton Local Plan (2005) and Policy H2 of the Sandbach Neighbourhood Plan (2016) which together seek to ensure that development does not, amongst other things, cause visual intrusion, overlooking or other adverse impacts on local character. It would run contrary to the guidance in SPD2 regarding relationships between new dwellings and neighbouring properties and recommended separation distances between them.

Whether Satisfactory Living Conditions

10. Given that much of the current garden area of 32 Congleton Road would form the plot for the proposal, there would be a consequent reduction in amenity space for the host property and a significantly smaller L shaped area would be retained for use as both a garden and parking area. The host dwelling is a sizeable family house with an existing and somewhat exposed landscaped front garden facing a busy town centre road and car park. Occupiers would therefore

rely on the residual rear garden area (which the Council describes as a “small yard”) for sitting out and any recreational use.

11. There would be little available private space particularly when it also needs to accommodate car parking for the property. When allied to the physical proximity and overbearing visual impact of the proposal in views from it, this space would be inadequate to accommodate these requirements. It would fall below the standards outlined in the SPD for a dwelling of this size, when the car parking area is deducted, and would result in unsatisfactory living conditions for occupiers of this property.
12. The proposal is therefore contrary to saved policy GR6 of the Congleton Local Plan (2005) and Policy H2 of the Sandbach Neighbourhood Plan (2016) which together seek to ensure that development is appropriate to its setting and in its relationship to adjoining buildings. It is also contrary to the guidance in SPD2 Provision of Private Open Space in New Residential Developments with regard to the provision of private amenity space.

Character and appearance

13. I note that the proposal has been amended from a previous refusal in order to overcome the reasons for refusal. The resultant dwelling has been reduced in both length and width, as well as having a redesigned roof, and is sited at the rear of its plot. As it would be set back from the highway, it would not be overbearing in the street scene. In addition, there is an irregular pattern of development in the locality, with a variety of gaps between buildings and as such, and in spite of narrow gaps to plot boundaries, the proposal would not appear discordant in its relationship to the neighbouring dwellings. However, any lack of harm to the character and appearance of the area does not alter the harm to the living conditions of the occupiers of these dwellings.
14. The proposal therefore conforms to policy SE1 of the Cheshire East Local Plan Strategy (2017) and Policy H2 of the Sandbach Neighbourhood Plan (2016) in so far as they seek to ensure that development contributes positively to the areas character and reinforces local distinctiveness.

Other matters

15. The appellant has indicated that the proposal would assist in meeting the needs for both self-build plots and older persons’ accommodation. There is no evidence before me on the current need for self-build plots in the area, and the dwelling would not have bedroom and bathroom accommodation on the ground floor so would generally be unsuitable in meeting the needs of older people. As potential benefits, these factors can only be given limited weight.
16. The appellant states that under permitted development rights a substantial outbuilding could be constructed within the existing garden. Such permitted development is a right available to all householders under the legislative provisions. It does represent a fallback position which could be avoided if planning permission were to be granted. The prospective occupiers of the proposed dwelling could themselves exercise their rights to construct outbuildings in its newly formed garden. Accordingly, this is a matter to which I give very little weight.
17. An example of development relating to a nearby new dwelling has been submitted. However, I cannot be certain that it is directly comparable to the

appeal proposal and I note that, according to the Council, the context of the surrounding area in that case is terraced dwellings. In any event, I have determined this appeal on the site-specific circumstances of this case.

Conclusion and Recommendation

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

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

C M Hoult

INSPECTOR