
Appeal Decision

Site visit made on 8 June 2020 by Hannah Ellison BSc (Hons) MSc

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/R0660/D/20/3244651

59 Talbot Way, Stapeley CW5 7RR

- 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 Mrs Nancy Chiu against the decision of Cheshire East Council.
 - The application Ref 19/4861N, dated 18 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is a two storey rear extension with garage conversion into granny annexe with single storey side wet room extension and new single storey garage front/side extension.
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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.

Preliminary Matter

3. It has been suggested in the appellant's grounds of appeal that the single storey extension to the front of the garage is to be removed from the proposed development. However, the 'Procedural Guide – Planning Appeals – England' advises that the appeal process should not be used to evolve a scheme and it is important that what I consider is essentially what was considered by the Council when they made their decision (Annexe M.2.1). On that basis, and in the interests of procedural fairness, I have dealt with this proposal on the basis of the plans that were submitted with the original application.
4. Planning permission was granted by the Council for a two storey rear extension at the property in 2015¹. Although I have limited details of the plans that were approved under that permission before me, it appears that the two storey extent would have been marginally longer than the proposal before me now. Whilst the permission is a material consideration in the determination of this appeal, I have given it very limited weight as it would now be time expired. Furthermore, I have been provided with no evidence to suggest that work has started on site.

¹ 15/1756N (the 2015 permission)

Main Issues

5. The main issues are the effect of the proposed development on:
- (i) the character and appearance of the host dwelling and wider area;
 - (ii) the living conditions of occupiers at No 1 Thomas Avenue, with particular regard to outlook and light; and
 - (iii) the living conditions of future occupiers of the host dwelling, with particular regard to garden provision.

Reasons

6. The appeal property is a detached dwelling occupying a corner plot within a modern open-plan residential development in which the properties largely share similar characteristics. Permission is sought for a ground and first floor rear extension and to extend the garage to the front, side and rear.

Character and appearance

7. The proposed two storey rear extension would significantly increase the massing of the host dwelling as it would span its full width and would project considerably into the rear garden. The resultant two storey gable end and excessive side elevations would substantially alter the form and appearance of the original dwelling and it would fail to read as a subservient addition. Furthermore, notwithstanding the existing boundary wall, it would be highly visible from the public realm due to the appeal sites prominent corner position and, by reason of its scale and massing, it would read as a visually intrusive and incongruous addition in the street scene.
8. The proposal also includes the provision of parking spaces to the front, through the replacement of the front lawn with hardstanding. I acknowledge there are examples in the locality where off-street parking spaces have been created in the area to the front of the dwellings. However, I observed that most have retained an element of soft landscaping to the front which contributes positively to the characteristics of the area. Given the number of parking spaces that would be created through this proposal, I am not convinced that the inclusion of a satisfactory level of soft landscaping could be achieved in this case. Therefore, this proposal would be a harsh alteration that would unacceptably erode the established characteristics of the street scene.
9. Whilst the proposed alterations to the garage are single storey in scale, they would nevertheless be readily apparent from the public realm. When taking into consideration the total amount of development being proposed, cumulatively this proposal would fail to be a sympathetic alteration to the appeal dwelling and site as it would substantially alter its original appearance and would be overly dominant and at odds in the wider street scene. Furthermore, from the evidence before me, in totality it would be larger than the proposal under the 2015 permission.
10. Consequently, the proposed development would harm the character and appearance of No 59 Talbot Way and the wider area and would therefore conflict with policies SE 1, SD 1 and SD 2 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030 (July 2017) (the CELPS) and policy RES.11 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 (February 2005)

(the CNLP) which collectively seek, amongst other things, to ensure the design of developments respect the scale and form of the original dwelling and protect, enhance and contribute positively to an area's character and identity.

Outlook and light

11. The proposed single and two storey rear extension would have a substantial cumulative projection into the rear garden. It would be within close proximity to the shared boundary with No 1 Thomas Avenue and adjacent to its most private garden area adjacent to the rear elevation of the property. Due to its overall scale, positioning and length, this extension would create an uninviting outlook and overbearing sense of enclosure for occupiers of No 1, which would be exacerbated by the presence of the existing conservatory at No 1. As a result, there would be material harm to the enjoyment and use of this private garden space by the occupiers of No 1.
12. The length of the extension within the 2015 permission would have been marginally longer than the two storey element of the current proposal. However, the proposal before me includes a single storey rear extension beyond the two-storey part and it is the cumulative effect of both which raises concern in this instance.
13. Given the orientation of the dwellings and the extension's overall projection, scale and positioning, this proposal would result in overshadowing and significantly reduce the amount of sunlight reaching the garden of No 1, further reducing the occupier's enjoyment of that private space.
14. My attention has also been drawn to a 45 degree drawing indicating the effect on light to the nearest habitable room window at No 1. However, this relates to the extension within the 2015 permission. The proposal before me now includes a single storey extension. No comparable 45 degree drawing has been provided.
15. Therefore, taking all the above into consideration, the proposed development would harm the living conditions of occupiers at No 1 Thomas Avenue, with particular regard to outlook and light. It would thereby conflict with policies RES.11 and BE.1 of the CNLP which seek to ensure developments do not result in a loss of amenity of the occupiers of adjacent properties by reason of scale, location, overshadowing or visual intrusion.

Garden provision

16. The Council has raised concern that the proposal would result in a significant reduction in garden space which would have a detrimental effect on the living conditions of future occupiers of the property.
17. The appeal site is a generous corner plot, with the enclosed garden area located along the rear and side of the dwelling. Whilst the proposed development would result in a strip of garden spanning the rear of the site, there would remain a reasonably sized outside area to the side/corner of the plot. Furthermore, the design of the ground floor extension would offer occupiers living accommodation which would integrate well with the garden and could be used complementary to it.
18. Consequently, the reduction in garden space that would result from the proposed development would not result in a harmful effect on the living

conditions of occupiers of No 59 Talbot Way. In this regard, the proposal would be consistent with policy BE.1 of the CNLP whose purpose, amongst other things, is to ensure new developments do not prejudice the amenity of future occupiers.

Conclusion and Recommendation

19. Although I have found that the proposal would not be harmful to the living conditions of the residents of No 59 this would not outweigh the considerable harm I have found in other respects.
20. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeals Planning Officer

Inspector's Decision

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

Zoe Raygen

INSPECTOR