



Appeal Decision

Site visit made on 18 August 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/A0665/W/20/3252527
Glenshee, The Avenue, Tarporley CW6 0BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Jan Coles and Mr Mike Coles against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01598/OUT, dated 19 April 2019, was refused by notice dated 15 November 2019.
 - The development proposed is described as "outline planning application with some reserved matters for the development of a 3 bedroom detached dwelling on the land at Glenshee, The Avenue, Tarporley, CW6 0BA including the demolition of an existing vehicular garage adjoining the existing Glenshee dwelling."
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Decision

1. The appeal is allowed and outline planning permission is granted for the development of a detached dwelling including the demolition of an existing vehicular garage adjoining the existing dwelling at Glenshee, The Avenue, Tarporley, CW6 0BA in accordance with the terms of the application, Ref 19/01598/OUT, dated 19 April 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration, except for access. Indicative plans have been submitted in respect of the reserved matters showing how the site could potentially be developed for a new dwelling. However, I have considered the access elements of the proposal detailed on plan Ref: 6987/03 Rev A.
3. The description of development set out above has been taken from the planning application form. However, Part E of the appeal form sets out the same description of development found on the decision notice and on which interested parties were consulted on. I consider that this better reflects the scheme that is before me, and I have therefore considered the appeal on this basis and used it in my formal decision.

Main Issue

4. The Council does not raise concern about the proposed access or parking arrangements. I note the concerns raised by residents, but I do not consider that the proposal would be unacceptable in highway safety terms. As such, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Glenshee is a two-storey dwelling set within a spacious plot on the inside corner of the road. Residential properties of a mixed type, style and design line either side of the road. Moreover, there are also dormer bungalows to the south-east of the site. Properties generally have a modest front gardens and off-street parking fronting the road. Existing properties occupy plots of various sizes, with those around the bend and around the head of the cul-de-sac generally larger compared to other plots in the road. The site itself tapers to the rear along with ground levels that slope away from the road.
6. The garden of Glenshee does provide an open relief among the built form in the road, but this in itself is uncharacteristic. Furthermore, the side garden does not play an active role in the character and appearance of the area beyond the immediate vicinity of the site. While the gap maybe pleasant, it is not an important visual gap as the Council suggest.
7. I am mindful of the indicative scale, layout and appearance of the dwelling shown on the submitted plans, but the appellants are not bound by this scheme given that these matters are all reserved for future consideration. In any event, I consider that a dwelling could potentially be designed to achieve a high standard of design that respects the siting, scale, massing, appearance and finishes found elsewhere in the road. Moreover, a scheme could respond to existing separation distances, and thus resident's privacy. While the proposal would change the site's visual appearance, the plot's width and size could accommodate a dwelling whilst responding to the range, shape and density of development elsewhere on the road. Thus, a new dwelling could potentially be built on the site whilst respecting the character and appearance of the area.
8. Although reference has been made to other development schemes, and two previous schemes may have been refused planning permission by the Council, I conclude that the proposed development would, when considered on its own planning merits, accord with Policy ENV 6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies and Policies DM 3 and DM 19 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies. As such, it would have an acceptable effect on the character and appearance of the area which these policies seek development to respect whilst achieving a high standard of design.

Other matters

9. The site is outside of, but next to the Tarporley Conservation Area (TCA). I consider that a scheme could be designed to respond to the scale, massing, form and type of development within the TCA so that it is preserved.
10. While there may well be a supply of housing locally, this does not rule out further housing development on suitable sites near to the Village Centre and its range of services and facilities when they would not adversely affect residents living conditions or biodiversity. The courts also have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be relevant consideration. Any disruption or disturbance felt during the construction phase would be temporary. Despite concerns about preparatory works, I have considered the appeal based on its planning merits and any works undertaken were done so at the appellants own risk. These have not had a bearing on my decision.

Conclusion and conditions

11. I have imposed an approved plans condition in the interests of certainty. Conditions in respect of the vehicular crossing, car and cycle parking and an electric car charging point are all necessary in the interests of highway safety, ensuring adequate off-street parking provision, the promotion of sustainable travel and to protect air quality. To minimise water consumption, I have imposed a condition so that the dwelling can be designed to this standard. Likewise, to inform the dwellings design I have imposed conditions about foul and surface water drainage and its maximum height, though I have amended the specific height suggested to provide flexibility whilst ensuring the dwelling responds to the height of development nearby. These have been imposed in the interests of the character and appearance of the area and to manage the risk of flooding and pollution respectively.
12. For the reasons set out above, I conclude that the appeal is allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250) and 6987/03 Rev A (solely in respect the access details shown).
- 5) The dwelling hereby approved shall not exceed two storeys in height.
- 6) The proposed access must be formed with a vehicular crossing over the footway. Such a crossing must be constructed, completed and made available for use prior to the first occupation of the development.
- 7) Car and cycle parking shall be provided in accordance with, or in excess of, the minimum standard guidelines stated within the Parking Standards Supplementary Planning Guidance and made available for use prior to the first occupation of the dwelling. The parking and cycle spaces shall be retained at all times thereafter.
- 8) Before the dwelling hereby approved is first occupied it shall be provided with electric car charging infrastructure comprising, as a minimum, one dedicated 32 amp radial circuit which is directly wired to an appropriate RCD at the consumer unit. The circuit shall terminate at a three-pin socket or BS EN 62196 Type 2 electric vehicle charging point located where it is accessible from a dedicated off-street car parking bay.
- 9) The dwelling hereby approved shall be designed to meet the higher National Housing Standard for water consumption of 110 litres per person per day.
- 10) Foul and surface water shall be drained on separate systems.

END OF SCHEDULE