

Appeal Decision

Site visit made on 15 September 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/A0665/W/20/3252025

Garages, Cecil Street, Chester CH3 5DP

- 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 Jeff Kendal against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01149/FUL, dated 20 March 2019, was refused by notice dated 29 November 2019.
 - The development proposed is replace derelict one and two storey buildings with new two storey apartment building with partial basement parking level. Existing access reused.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (a) the effect of the proposed development on the character and appearance of the area; and (b) the living conditions of the occupants of 12, 14, 16, 18, 20, 22 and 24 Cecil Street, with regards to outlook and private amenity space.

Reasons

Character and appearance

3. The appeal site relates to a parcel of land on the eastern side of Challinor Street and to the north of Christleton Road. Derelict garages occupy part of the site, while the rest contains trees and shrubs. Terraced residential properties on Cecil Street and Christleton Road either share a boundary with the site or back onto it. In both cases an access and alleyway provide a thin degree of separation between the bulk of the terraces and the site.
4. A contemporary form of development is the proposed design response to a uniquely shaped site which has resulted from the formation of the gyratory that affected the original pattern of development due to the loss of former terraces. There is no dispute about the principle of developing the appeal site for residential purposes or the type of accommodation proposed.
5. Rows of two-storey terraced properties with a uniform appearance characterise the area to the east of the site. Pitched roofs form part of the area's uniformity and strong rhythm. A mixture of building types, styles and uses are to the west and south. Thus, the area has a mixed character and appearance with a density typical of an urban area close to a city or town centre.
6. A modern design approach is not itself unacceptable next to more traditional

built form. However, developments should be of a high quality design and where appropriate respect local character and achieve a sense of place through appropriate layout, scale, height, massing, design and appearance among other things. This broadly reflects the National Planning Policy Framework (the Framework), the National Design Guide and the Living with beauty: report of the Building Better, Building Beautiful Commission in respect of delivering well-designed places and Buildings.

7. The proposed building's layout would provide a strong edge and an active frontage to Challinor Street especially. Moreover, the building has been designed to respond to the tight-knit form and pattern of development to the side and rear. By doing so, the proposal would also make an efficient use of the site in an accessible location. The resultant enclosure would respond to the character of the local area. However, the flat roof design would be out of kilter with the use of pitched roof forms in the area.
8. While the characteristics of the surrounding area are mixed, the proposed building would not sit comfortably in its environment. This would be borne out by the fenestrations proposed on the front elevation. I note the changes made by the appellant to the scheme in response to the Design Review Panel's comments, however, the number, size and shape of fenestrations in this elevation together with the provision of a number of balconies would be at odds with the context and rhythm of the terraces. Although contrast can create interest, the proposal, in this case, would lead to a jarring relationship with the Christleton Road terrace and the fenestrations that populate it. This would only emphasise the discordant scale and roof design, and thus the collective result that would be a development with an awkward form and appearance.
9. Any scheme on this site will need to carefully balance competing requirements and provide a suitable quantum of development. Development of the site could also potentially bring harmony to the area. However, the appeal scheme would not achieve this as it would not respect local character or have an appropriate scale, design and appearance. Hence, the proposal would not repair the 'tear to the urban grain' as the appellant suggests even if I were to agree with the appellant about the site's contribution to the area.
10. The use of modern construction techniques and the potential adaptability of the scheme for the long-term do not alter my view about the proposal integrating into its surroundings. The appellant's early engagement in accordance with Framework paragraph 129 has been beneficial to all concerned, and despite the single objection, these matters do not change my conclusion that the proposed development would have a significant effect on the character and appearance of the area. The proposal would not accord with Policy ENV6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1), Policy DM3 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) and Framework paragraph 130. Jointly, these seek development, among other things, to achieve a high quality of design that respects the scale, character and appearance of any existing building and contribute positively to the character of the area to achieve a sense of place. It would not take advantage of the opportunity available for improving the character and quality of the area.

Living conditions

11. Each property within the terrace on Cecil Street that backs on the site has

12. habitable and non-habitable room windows in the south-west facing elevation. The rear gardens of each property in the terrace back onto an alleyway which extends between them and the site. A high brick wall lines the rear boundaries with the alleyway.
13. The proposed building would be set on a higher ground level than the Cecil Street terrace. This would mean that the proposed building would rise above the eaves line of the terrace. Despite the flat roof form proposed, the scale and layout of the proposed development would mean that, together with the building's proximity to the rear gardens of Nos 12–18, an overbearing impact would be caused. I note the light and shade analysis provided by the appellant, and while this is only a component of considering whether something is overbearing or not, the analysis only focussed on the scheme's effect during June when the sun is at its highest in the sky and not at other times of the year which are likely to result in very different effects being experienced by neighbouring residents. Even during June residents of Nos 12-18 would experience additional shading in the late afternoon and early evening period.
14. I have had regard to the context afforded by the wider area, but the layout of nearby terraces are not identical to the layout proposed in this case. As such, I consider that a significant adverse overbearing impact would be felt by the residents of Nos 12-18. This harmful impact would not be justified by any consequential improvements to the site, which could, in any event, materialise.
15. Having regard to the explanation to LP2 Policy DM2 and the minimum distances set out within it, the proposal would accord with the distance pertinent to the proposed relationship. The proposed building would alter the existing situation and it would be set on a higher ground level than the Cecil Street terrace. However, the extended vertical nature of the building in comparison to the terrace would be counter acted by the flat roof form which would keep the overall height of the building below the ridge height of the terrace. As such, taking the orientation of the Cecil Street terrace and the heights of land and buildings into account, the proposal would not result in a significant adverse impact on the outlook from Nos 12 to 24 Cecil Street.
16. Notwithstanding my finding in respect of outlook, I conclude, on this issue, that the proposed development would have a significant adverse impact on the living conditions of the occupants of Nos 12-18, with regards to private amenity space. The proposal would not accord with LP1 Policy SOC5 and LP2 Policy DM2 which only support development where it does not result in such an impact.

Other considerations

17. Developing the site would remove the existing building and vegetation, provide natural surveillance of the alleyway and create a place that is safe, inclusive and accessible. Although I do not have precise details of the crime incidents listed, it is likely that the proposal would either directly or in-directly help prevent such incidents from arising in the future.
18. Although the proposal would mean that vehicles would no longer need to reverse out onto Cecil Street, this would be of a neutral benefit in the context of the light use of this access and the need for the proposal to ensure that access can be facilitated to and from the public highway in a safe manner.
19. The proposal would make a modest contribution to the quantum and type of housing available in Chester and it would directly increase and broaden the

offer within CH3. The proposed development would bring more people into the area and result in consequential spending in the local economy, thereby supporting local shops and businesses. The effects on the provision of housing as a result of the current pandemic are unclear, but in any event small and medium sized sites such as this can make an important contribution to meeting the housing requirement of an area as they are often built-out relatively quickly. However, these matters do not outweigh my concerns about the scheme's design at a time when the Council is able to demonstrate at least five-years of deliverable housing supply, even though there is a need to maintain this.

20. The proposed development would sit next to the Boughton and Meadows Conservation Area (CA). The eastern edge of the CA is characterised by modern development. The proposal would sit between this and the residential development outside of the CA. Despite my findings in respect of the first main issue, I agree with the Council's view that the proposal would not harm the significance of the CA.

Conclusion

21. Although there are other relevant considerations which weigh in favour of the appeal scheme, they do not indicate that I should take a different decision in this case given the conflict that I have found in respect of both main issues having regard to the development plan.
22. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR