
Appeal Decision

Site visit made on 18 August 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/A0665/W/20/3248547

Land to the rear of 1-4 Churton Road, Churton Road, Farndon CH3 6QR

- 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 W Pridding against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01843/FUL, dated 13 May 2019, was refused by notice dated 13 December 2019.
 - The development proposed is redevelop the land to the rear of 1-4 Churton Road for 3 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was submitted, a planning application for the erection of a detached dwelling at the site has been granted planning permission¹. In the interests of natural justice both parties had the opportunity to make representations. Therefore, in coming to my decision, I have had regard to those comments received.
3. I have also had regard, and in accordance with Paragraph 30 of the National Planning Policy Framework, 2019 (the Framework) in this appeal decision to the Farndon Neighbourhood Plan, adopted 6 March 2018, which the Council provided as part of their appeal submission.

Main Issues

4. The main issues are (i) the effect of the proposed development on the living conditions of the occupants of No.3 Churton Road (No.3) and No.5 (No.5), with particular reference to noise and disturbance; and (ii) the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

Living Conditions

5. The appeal site is a parcel of land between the properties known as No.3-4 Churton Road and No.5. The site extends considerably back behind those properties and the proposed dwellings would sit in a pocket surrounded by a variety of size and type of existing dwellings. Despite the proposals meeting

¹ 20/00519/FUL, dated 31 July 2020

- the recommended separation distances to those adjacent properties and there would be no direct to direct window relationships between the dwellings. The proposed access road to serve the 3 dwellings would be in close proximity to the boundaries at No.3 and No.5 and their existing openings, whether that being habitable or not.
6. I acknowledge, that it is likely that at some time in the past the front of the site has been utilised for access to a domestic garage as there is a dilapidated building within the site, but this does not extend excessively into the site, unlike the proposed access road. Moreover, the existing use of the access is likely to have only served 1 vehicle and have limited comings and goings.
 7. The 'Technical Note 1' (TN) sets out the criteria relating to trip generations. This appears to be on the basis of trips between Monday-Friday, when generally vehicle movements and trips in and out of the site are likely to be lower than that on weekends. Nonetheless, in comparison to the existing use of the site and the proposed use of the site for a new and extended access to serve 3 new dwellings with parking provision for at least 6 vehicles, the trip generations would be significantly increased. This would result in the comings and goings being substantially intensified.
 8. Therefore, the proposal has the potential to result in harm to the occupier(s) of No.3 and No.5 as a result of the movement of vehicles, vehicle activities associated with parking/manoeuvrability and even people along the new access, especially in relation to noise and disturbance. It would be a perception of intrusion as a result of the movements and activities alongside the boundary and the proximity of openings, that would be over and above that which would be considered reasonable, or which would be associated with a more traditional relationship between adjacent properties.
 9. Furthermore, I am not satisfied that regardless of the development the bulk of noise to No.3 and No.5 would be from Churton Road itself, and the nearby school or that any existing background noise justifies the proposal.
 10. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of neighbouring properties at No.3 and No.5 in regard to noise and disturbance. It would be contrary to Policy SOC5 of the Cheshire West & Chester Council Local Plan (Part One) (LP), 2015 and Policy TR5 of the LP (Part Two), 2019. Where development that gives rise to significant adverse impacts on health and quality of life, including residential amenity will not be allowed; and will not create any unacceptable impacts on amenity that cannot be satisfactorily mitigated.

Highway Safety

11. Churton Road is narrow in parts and has limited parking restrictions resulting in a number of vehicles being parked along the highway. Adjacent to the site the width of the road makes it difficult for vehicles travelling in opposite directions to pass easily. The existing access to the site has poor visibility and there are limited footways along the highway with no footways to the frontage of the site.
12. The TN at Appendix 3 has calculated (TRICS) on the basis of 5 bedrooms and that traffic generation is considered to be no different between the level of traffic with a single 5-bedroom property on the site and the total 5 bedrooms

within 3 dwellings. However, I would disagree with this assumption, as the proposed dwellings would be independent of each other and it would likely that homeowners comprise of 1-2 adults who would be capable of generating vehicle trips. As such, the calculation would be unrealistic as a 5-bedroom dwelling would typically be 1 household, living together as a family resulting in lower trip generations. Therefore, I am not persuaded that the TN provides a realistic scenario for the proposed dwellings in regard to the level of trip generations.

13. Although, the proposals include amended visibility splays and there would be some improvements to the existing access to the site. It would appear that these are limited and provide an unsatisfactorily compromise. The set-back widths would not be typical, and the splay distances identified are taken from within the carriageway itself and do not take account of the restrictions with existing on-street parking within the immediate vicinity of the site. I note, the appellant's comments in regard to the evidence in Appendix D, but it would appear at paragraph 9, in terms of splays, it is accepted that they are below standard. As such, I am not satisfied that road users would have a clear view of vehicles safely manoeuvring from the access with the layout, existing conflicts and views being impeded, which would be to the detriment of highway safety.
14. Furthermore, it appears there is limited evidence relating to vehicle tracking to ensure there would be safe ingress and egress onto Churton Road to ensure that the access would sufficiently accommodate 2 vehicles. Particularly if a vehicle was turning right into the site and the other vehicle turning left out of the site. Due to the limited width of Churton Road this would likely result in vehicles being backlogged along the highway, which combined with the restricted visibility, width of the highway and existing on-street parking would not be in the best interests of highway safety
15. For the reasons outlined above, I conclude that the appeal proposals would have an unacceptable harmful and significant impact on highway safety. It would be contrary to Policy STRAT 10 of the LP (Part One), 2015 and Policy TR5 of the LP (Part Two), 2019. These policies all aim for development proposals to make safe provision for access to and from the site for all users of the development; not create unacceptable impacts on road safety and demonstrate that additional traffic can be accommodated safely and satisfactorily within the existing, or proposed highway network. It would also not accord with the highway safety aims of the Framework, Paragraphs 108 (b) and Paragraph 109.

Other Matters

16. The site is located within the Farndon (CA) and while the effect of the proposed development on the character and appearance of the CA is not in dispute, I am mindful of my statutory duty in this regard. The Council have no objections to the proposal and, given the materials of construction, that the site would be set back from the road frontage, partly screened and the frontage would be similar to the existing, I see no reason to disagree with this assessment. As such, the proposal is likely to have a negligible effect on the CA and would, therefore, preserve its overall character and appearance.
17. It is the appellant's case that, by virtue of the recently granted planning permission, a fallback position exists whereby if the appeal scheme does not progress the alternative scheme, for one dwelling, could be developed. The

Council acknowledges that it granted planning permission, however, do not consider that it is for similar proposals due to the number of dwellings to that which is the subject of this appeal and the significant impact upon highway safety.

18. Nevertheless, I consider there is a genuine fallback scheme, and there is greater than a theoretical possibility that the development might take place and, as such, give this substantial weight. However, from the evidence before me, it would be less harmful than the appeal scheme and as such does not justify the proposal which, for the reasons detailed previously, would cause harm to the living conditions of neighbouring occupiers and highway safety.
19. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. I note that local residents have also expressed additional concerns about the proposed development, including privacy, overlooking, loss of open space, sustainability, construction concerns, protected species, trees and landscaping. However, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support those concerns. Given my findings in relation to the main issues, it is not necessary to consider these matters in detail.
20. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, be within a sustainable location and the contribution both construction opportunities and any future occupiers would make to the local economy. These matters, however, do not outweigh my findings in respect of the main issues nor the conflict I have found with the development plan read as a whole.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR