



Appeal Decision

Site visit made on 17 November 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2020

Appeal Ref: APP/A0665/W/20/3258034

1 Upton Lane, Upton, Chester, CH2 1EB

- 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 & Mrs Will Scott against the decision of Cheshire West & Chester Council.
 - The application Ref 20/00780/FUL, dated 28 February 2020, was refused by notice dated 27 April 2020.
 - The development proposed is erection of a single residential unit – subdivision of existing residential plot and part demolition.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site consists of land to the side of No 1 Upton Lane, which is a large detached property set within a generous plot. It includes part of the front and rear garden to that property, and a conservatory which is proposed to be demolished.
4. The surrounding properties are mostly detached houses with generous spacing, and mature front garden areas. In contrast, the development would introduce a dwelling with a narrow frontage that would occupy nearly the full width of its plot. It would also be positioned close to the side elevation of No 1 and would appear tightly spaced in comparison to the surrounding properties. This would result in a visually cramped appearance that would jar with the more spacious character of the street. The proposed dwelling would also be prominent given its position on elevated ground relative to Upton Lane and the properties to the west. In my view, it would have an awkward appearance within the street that would draw the eye. Whilst I note that Cherry Bank, on the other side of Upton Lane, also has a relatively narrow frontage its plot is significantly wider than the appeal site and it has a more sympathetic relationship with the adjoining properties.
5. The development would also include a large projecting single storey garage that would extend out significantly from the front elevation. This would be an

awkward, elongated feature in advance of the building line, that would unbalance the appearance of the property. Moreover, the frontage would consist almost entirely of hardstanding, and would include parking spaces next to the street. This would contrast sharply with the mature front gardens to neighbouring properties. In my view, these features would combine to create a discordant feature that would detract from its surroundings.

6. My attention has been drawn to semi-detached properties and domestic extensions along Kingsmead, which is a cul-de-sac to the north west. However, those properties have little intervisibility with the appeal site and are seen within a separate context. The domestic extensions that are highlighted are also of a different style and type to the appeal proposal, and they do not lend support to it. Similarly, the properties further away to the east are not within the vicinity of the appeal site and have no visual relationship to it.
7. It is asserted that the Council has granted approval for similar developments elsewhere in the Borough. However, the full details of those cases, including the approved plans, Officer Reports, and planning histories, are not before me. It is therefore unclear whether those examples are directly comparable to the current proposal. I further note that they are not within the immediate vicinity of the appeal site, and some are in other towns. In any case, I have come to my own view on this matter, rather than relying on the approach the Council may have taken elsewhere.
8. I note that the appeal site is not within a Conservation Area, and that there is some variation in the design of properties along Upton Lane. However, those considerations do not alter my view that the development would be a discordant addition to the street.
9. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policy ENV 6 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015), and Policies DM 3 and DM 19 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019). These policies seek to ensure, amongst other things, that new development respects local character including the prevailing layout, urban grain, density, and appearance.
10. Separately, I note that the development is within the settlement boundary of Chester where the provision of new housing is generally supported in principle. In this regard, it is asserted that the development is in accordance with the locational strategy set out in Policies STRAT 1, STRAT 2, and STRAT 3 of the Cheshire West and Chester Local Plan (Part One). However, notwithstanding the support provided by these more strategic policies, the appeal proposal would still be contrary to the development plan overall, given the clear conflict with Policies ENV 6, DM 3, and DM19.

Other Matters

11. The development would provide a suitable access, adequate parking provision, and would not result in any significant harm to the living conditions of neighbouring occupiers with regard to loss of outlook, light, or privacy. However, these are ordinary requirements for new development, and they do not represent a positive benefit that weighs in favour of the appeal proposal.

Conclusion

12. As set out above, I conclude that the development would significantly harm the character and appearance of the area and would be contrary to the development plan in this regard. Whilst it would provide a new family dwelling in a relatively accessible location, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR