

Appeal Decision

Site Visit made on 8 February 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/R0660/W/20/3262732

**Land adjacent to Newton Brewery Inn, Webbs Lane, Middlewich
CW10 9DN**

- 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 Martin Hulme against the decision of Cheshire East Council.
 - The application Ref 20/2247C, dated 2 June 2020, was refused by notice dated 4 August 2020.
 - The development is proposed detached property to vacant site.
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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.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area, and
 - the effect of the proposal on the living conditions of the intended future occupiers of the dwelling and the occupiers of neighbouring properties.

Reasons

Character and appearance

4. The appeal site is a roughly triangular shaped area of open land between the Newton Brewery Public House and 66 Webbs Lane, with the narrow boundary fronting the highway. With the exception of the public house, which is set back from the road, the predominant character of the area is one of terraces and semi-detached dwellings forming uniform building lines and simple roof forms creating a regular rhythm to the street scene.
5. Due to its position, set back from rear of the footpath, and its detached form the proposal would appear as a discordant feature in the street scene that would not reflect the established form and pattern of development in the locality. Moreover, given its close relationship to the side boundaries of the site and to the public house, it would lead to a cramped form of development.

Collectively these matters would result in the proposal not being sympathetic to local character.

6. For these reasons I conclude that the proposal would harm the character and appearance of the surrounding area and would be contrary to Policies SE1 and SD2 of the Cheshire East Local Plan Strategy (2017) (CELPs) which together, amongst other things, seek to ensure that development contributes positively to local character. Moreover, the proposal conflicts with paragraph 127 of the National Planning Policy Framework (the Framework), which requires, amongst other matters that developments are sympathetic to local character and establish or maintain a strong sense of place.

Living conditions

7. As well as windows in the rear elevation of 66 Webbs Lane, there is also a window in the outrigger which would face the proposed development. The construction of the dwelling comprising of a high brick wall to the edge of the site, in close proximity to the neighbouring property would be overbearing on the outlook from these windows and outdoor amenity space, making the rooms and outdoor space less pleasant to use as a result.
8. The proximity of the public house to the proposed dwelling would lead to overlooking and loss of privacy of the proposed rear amenity space from the existing side windows of the public house which serve the kitchen. The size of the rear garden area would not provide suitable mitigation in this regard. Furthermore, the use of this space by the intended future occupiers would result in a loss of privacy to users of the kitchen of the public house given this relationship. Whilst the proposed fence may serve to mitigate the issue, there is no indication of the height of this fence and it would be in close proximity to the kitchen window providing a poor outlook.
9. For these reasons I conclude that the proposal would harm the living conditions of the intended future occupiers of the dwelling and the occupiers of neighbouring properties, contrary to Policy GR6 of the Congleton Borough Local Plan First review (2005) and the guidance in SPG2 - Provision of Private Amenity Space in New Residential Development which together seek to ensure that development does not have an unduly detrimental effect on amenity. The proposal would also run contrary to paragraph 127 of the Framework which requires that places are created with a high standard of amenity for existing and future users.

Other Matters

10. I note the appellant's concerns regarding the Council's handling of this case and previous applications on the site. However, this is a matter that would need to be taken up with the Council in the first instance. In considering this appeal, I am only able to have regard to the planning merits of the case before me.

Conclusion and Recommendation

11. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR