



Appeal Decision

Site Visit made on 24 February 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/R0660/W/20/3261160

13 The Broadway, Nantwich, Cheshire CW5 6JH

- 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 Mr & Mrs Partridge against the decision of Cheshire East Council.
 - The application Ref 20/2721N, dated 30 June 2020, was refused by notice dated 11 September 2020.
 - The development proposed is the erection of a detached bungalow with associated landscaping, car parking and boundary treatment.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with access and layout included and all other matters reserved for future approval. I have determined the appeal on the same basis, and have treated the submitted plans showing details of floor plans and elevations as being indicative only.

Main Issues

3. The main issues are the effect of the proposal on:
 - i) The character and appearance of the area; and
 - ii) The living conditions of the occupiers of 15 The Broadway, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is located within a residential street lined with semi-detached and detached houses set in generous sized plots. The houses have fairly wide frontages, are set back from the road behind front gardens. The top section of The Broadway, closest to Mount Drive, is characterised by older houses, and the layout of this part of the street is spacious, with sizeable gaps between many of the houses despite side extensions, particularly where the road bends.
5. The appeal site marks the transition between the older style of housing and more modern properties, which continue for the remaining length of The Broadway. These more recent houses, which are predominately large detached

dwelling, maintain a similar front building line but are more closely spaced than the older properties further up the road.

6. The proposed dwelling would be constructed in the side garden of 13 The Broadway (No. 13), which forms a sizeable gap between the host property and its neighbour, No. 15. Although the gap has been reduced to some extent by the two storey side extension at No. 13, it nonetheless contributes to the sense of spaciousness within the street and allows views through the space to a group of tall, protected trees to the rear. By infilling this gap, these qualities, which contribute positively to the character of the area, would be significantly eroded.
7. Although the gap between the houses is quite large, it is not wide enough to accommodate a property with a comparable width to others along the street. To fit in the space, the proposed house would need to be considerably narrower than other properties along The Broadway. By necessity, the gap on either side of the proposed house would be small, particularly compared with the older properties along the street which have larger spaces between them. As a result of the restricted plot width and the narrow form of the house, the proposed development would appear cramped within its setting, and at odds with the prevailing character of the surrounding area.
8. Owing to the curved side boundary of the neighbouring property, the appeal site has a very narrow road frontage. As a result of this, and in order to accommodate off-street parking, the submitted plans show the proposed house being positioned much further back within its plot, compared with the surrounding properties. I acknowledge that there is some variation in the front building line along The Broadway, particularly where the road curves. However, this variation is minor and generally takes the form of small steps, unlike the proposed situation, in which one dwelling would be set back by a considerable distance, within a row of properties with an otherwise regular front building line.
9. The proposed development would not be an unduly prominent feature, and existing and proposed vegetation along the frontage would provide some screening. However, it would be clearly visible from the street, and due to its narrow form and siting well behind the established building line, the proposed house would appear incongruous, and would fail to reflect the character of the surrounding area.
10. The narrow frontage would mean that much of the area in front of the house would be given over to driveway and hardstanding. This would result in a more built up form of development and would further erode the currently green character of the appeal site. However, the harm would be limited by the proposed replacement silver birch tree, and the screening provided by existing vegetation in the garden of No. 15. Furthermore, I note that many houses along the street have significant areas of hardstanding in their front gardens for parking. Given these factors, the proposed parking arrangement would not in itself be unduly harmful.
11. Overall, and despite my findings in relation to car parking, I conclude that the proposal would cause considerable harm to the character and appearance of the area. It would conflict with Policies SD 2 and SE 1 of the Cheshire East Local Plan Strategy 2017 (Local Plan), which require that development proposals contribute positively to their surroundings and the area's character

and identity, in terms of its relationship to neighbouring properties, the street scene and the wider neighbourhood. There would be further conflict with the detailed guidance on design contained in the Development on Backland and Gardens Supplementary Planning Document 2008 (SPD), and the requirements for achieving well designed places contained in paragraph 127 of the National Planning Policy Framework (the Framework).

12. Saved Policy BE.1 of the Crewe and Nantwich Replacement Local Plan (C&N Local Plan) is concerned with amenity issues and does not directly apply to this main issue. The Council has also referred to the Cheshire East Design Guide, but has not provided me with a copy of this document or explained how the proposed development would conflict with it.

Living conditions

13. Matters of scale and appearance are reserved for future determination, but the restricted width of the plot means that, to achieve a reasonable floorspace, the house would need to be fairly long. As a result, the submitted plans show that the proposed dwelling would protrude well beyond the rear building line of the adjacent properties. However, the layout shows a reasonable gap would be retained between the proposed house and No. 15, and the substantial hedge along the shared boundary would provide a significant amount of screening.
14. The site slopes down towards No. 15, and the proposed house would be constructed at a slightly higher level than this neighbour. However, the indicative plans show that the eaves height could be minimised by making use of the roof space, thereby reducing the scale and mass of the building alongside the shared boundary. The suggested orientation of the roof pitch along the length of the proposed house, so that the highest part of the roof would be well away from the shared boundary, would also help in this regard.
15. The proposal would introduce new built form closer to the boundary with No. 15 than currently exists. Whilst this would result in an increased sense of enclosure to the rear garden of No. 15, the plans show a modest property, which could be accommodated without appearing overly dominant or overbearing when viewed from the garden or rear windows of the neighbouring property.
16. The proposed house would be visible from the first floor window of No. 15, but oblique views towards the appeal site will already be restricted by the large chimney feature adjacent to that window. Given this existing situation, I am satisfied that the proposal would not have an unduly harmful impact on the outlook from the rear bedroom window of No. 15.
17. The rear elevation of No. 15 is south facing, and whilst the proposed house would result in some overshadowing to the rear windows, they would still receive a significant amount of direct sunlight. As such, the proposed house could be accommodated without causing any unacceptable impact due to overshadowing or loss of light.
18. Upper floor windows in the rear elevation of the proposed house would cause some overlooking to the rear gardens of both Nos. 13 and 15, but in this suburban location there will already be a degree of overlooking from surrounding houses, and the additional impact would not be overly harmful.

19. Overall, I am satisfied that the proposed house could be accommodated without causing significant harm to the living conditions of the occupiers of No. 15 The Broadway, with particular regard to outlook. Consequently, there would be no conflict with Saved Policy BE.1 of the C&N Local Plan, which seeks to protect the amenity of occupiers of adjacent property; or with Framework paragraph 127f), concerning the need for a high standard of amenity for existing users. The proposal would also comply with the detailed guidance in paragraph 3.12 of the SPD, which requires buildings to be positioned so as to avoid over domination of existing properties.
20. Local Plan Policies SD2 and SE1 are not directly concerned with amenity issues.

Other Matters

21. The proposal could be accommodated without causing undue harm to the living conditions of neighbouring occupiers, and would provide an additional dwelling which may be suitable for first time buyers or those wishing to downsize, in a location which is in easy reach of a wide range of local facilities and services. However, these matters are not sufficient to outweigh the harm that the proposed development would cause to the character and appearance of the area.

Conclusion

22. The proposal would not accord with the development plan and there are no other material considerations to outweigh this finding. For the reasons given above, the appeal is therefore dismissed.

R. Morgan

INSPECTOR