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## Appeal Decision

Site visit made on 26 May 2021

**by Jillian Rann BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 June 2021**

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**Appeal Ref: APP/A0665/W/21/3269135**

**11 Well Farm Close, Malpas SY14 8QW**

- 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 Nancy White against the decision of Cheshire West & Chester Council.
  - The application Ref 20/03024/OUT, dated 20 August 2020, was refused by notice dated 10 November 2020.
  - The development proposed is described as: 'erection of single detached dwelling following removal of existing outbuildings, to include access matters only'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application is made in outline with all matters reserved except for access. The Council's decision was based on a revised indicative site plan, drawing number HPT10873-002 rev A. I have based my decision on that revised drawing. However, I have regarded all elements of that drawing and the other submitted drawings as indicative apart from the details of the proposed access to the site.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

### Reasons

4. The appeal site is part of the garden of a semi-detached house in the corner of Well Farm Close, a cul-de-sac which is part of a residential estate of mainly two storey and dormer bungalow-style houses of similar age and appearance.
5. Development on Well Farm Close and other nearby streets within the estate has a strong and relatively consistent pattern, characterised by houses which are broadly aligned with the roads to the front of them and set back in line with one another to form a regular building frontage. The houses at the end of Well Farm Close are laid out perpendicular to those on either side but are similarly set back from the road in a regular alignment.
6. The houses in the corners of the Well Farm Close cul-de-sac, including the appeal site, have triangular-shaped gardens which are generally larger than other gardens in the street. Parts of those gardens are hard surfaced and used

for parking. Nonetheless, those large side and rear gardens and driveways provide a distinctive sense of spaciousness to those corner plots, which makes a positive contribution to the character and appearance of the street scene at present.

7. Although layout is a reserved matter, the size and shape of the site is such that any dwelling on it would necessarily be set some distance further back from the Well Farm Close road frontage than the houses on either side of it. Even if the house was laid out so that its front elevation faced the corner of the cul-de-sac, it would be positioned at an angle to the houses either side. In any event, because it would be set back from the houses to either side, a dwelling on the site would not respect or maintain the strong, regular alignment which characterises the existing housing within the cul-de-sac and nearby.
8. The size of the plot also means that any dwelling on it would be located close to the plot's side boundaries. In the context of other dwellings within the cul-de-sac, which are set in from their side boundaries with drives to the side, the proposed house would therefore appear unduly cramped within the site. It would also erode the sense of separation between the house at 11 Well Farm Close and the neighbouring house at No 15 and the sense of spaciousness that the wide driveway and garden areas of those properties contribute to the corner of the cul-de-sac at present.
9. Consequently, even if a dwelling could be accommodated which would not have adverse implications for the living conditions of neighbouring residents, and whether it was a two storey property or a lower bungalow or dormer bungalow, it would appear as an incongruous feature which would fail to respect the distinctive character and pattern of surrounding development. Although views of it would be relatively localised, the dwelling would be visible from Well Farm Close. Its erosive effects on the spacious, open character of the corner of that cul-de-sac would be evident in those views, even if new landscaping were provided within the site. It would therefore cause harm to the character and appearance of the appeal site and the wider street scene, which would not be overcome by the use of matching materials as indicated.
10. The large existing outbuilding in the rear corner of the site would be removed as part of the development. However, despite its size and somewhat functional appearance, that existing structure is set well back in the site and it appears and is read as an outbuilding ancillary to and associated with the dwelling at 11 Well Farm Close. There is also an existing detached garage within the site which is smaller but is, similarly, evidently an ancillary outbuilding to the dwelling at No 11. In contrast, the proposed development would be a separate dwelling and would be clearly viewed as such, separate and distinct from the houses on either side. As such, and as it would not reflect the layout or character of surrounding housing, it would appear as an awkward and discordant feature in the context of the houses to either side of it and the wider street scene. The resultant harm to character and appearance would not be outweighed by any benefits arising from the removal of those existing outbuildings.
11. The site is outside but adjacent to Malpas Conservation Area (MCA). To the west of the site there are two listed buildings, Huxleys and 11 High Street, and a further building, Jubilee Hall, which is identified as a character building in the Malpas and Overton Neighbourhood Plan 2010 to 2030.

12. The development would be small scale and, from the MCA, it would be viewed in the context of other relatively modern housing in the estate beyond. Whilst it would harm the character and appearance of its immediate surroundings within that estate, it would adjoin only a very limited part of the MCA and would appear distinct from the development within the MCA. Consequently, it would not cause harm to the character, appearance or setting of the MCA. Similarly, because of its small scale and the separation distance between it and the listed buildings and Jubilee Hall to the west, the development would not harm the setting of those listed buildings or that of the identified character building.
13. However, for the reasons given, I conclude that the proposed development would fail to preserve or respect the character or pattern of development on Well Farm Close and within the wider estate that it would form part of. It would therefore have an adverse effect on the character and appearance of the appeal site and its surroundings, in conflict with Policy ENV 6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (the Local Plan Part One) and Policies DM 1, DM 3 and DM 19 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies. Those policies require development to respect the existing character, layout and urban grain of the surrounding area, and state that the creation of new dwellings on garden land will only be supported where this does not cause unacceptable harm to the character of the surrounding area.
14. The development would also conflict with the National Planning Policy Framework (the Framework), which states that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment. Similar principles are set out in the National Design Guide, which emphasises that well-designed new development is integrated into its wider surroundings, including patterns of built form.

### **Other Matters**

15. The development would provide a new dwelling in the settlement of Malpas, which is identified as a key service centre in the Local Plan Part One. It would therefore contribute to local housing supply in an accessible location, close to local shops, services and facilities. However, the benefits that would arise in that regard from the single dwelling proposed would be very modest and I afford them limited weight.
16. The existing large outbuilding on the site, I am advised, is used as a workshop for the repair and storage of steam engines. It has been suggested that its demolition as part of the scheme would thus remove a source of noise and odour from this residential area. However, the building is a residential outbuilding and, even if its current use may give rise to issues of noise and odour, such issues are not inherent to the use of residential outbuildings and would not necessarily persist in the future. Therefore, even if the existing outbuilding were to be removed, I afford limited weight to any benefits which may arise in that regard.
17. I have had regard to concerns raised by interested parties in relation to other matters, including highway safety. However, as I have found the development unacceptable for other reasons I have not needed to consider those matters further in this case.

18. Although the revised plan which formed the basis of the Council's decision was made available to view on its website, it was not subject to publicity during the course of the application. However, as the drawing is indicative except insofar as it relates to the proposed site access and as I have found the development unacceptable despite amendments made, I am satisfied that no party has been prejudiced by my having based my decision on that revised drawing.

### **Conclusion**

19. Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. In the context of decision making, this means approving development proposals that accord with an up-to-date development plan without delay. In this case I have found harm to character and appearance and conflict with development plan policies for the reasons given. That harm would not be outweighed by the benefits of the scheme.
20. The development would therefore conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

*Jillian Rann*  
INSPECTOR