



Appeal Decision

Site Visit made on 13 July 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/A0665/W/21/3272277

433-437 Chester Road, Hartford, Northwich CW8 2AG

- 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 New Care (Hartford) Ltd against the decision of Cheshire West and Chester Council.
 - The application Ref 20/02790/FUL, dated 4 August 2020, was refused by notice dated 1 December 2020.
 - The development proposed is the demolition of three houses and erection of a 69-bedroom care home (Use Class C2) with alterations to existing access points (resubmission of 19/01734/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal follows a previous appeal Ref APP/A0665/W/20/3256630 against a refusal of planning permission for the development of a care home and 4 detached houses on the site. The detached dwellings have been deleted from the revised scheme before me and amendments to the care home proposal have been proposed. The reason for refusal is identical. Whilst I have had regard to that decision, I have considered this case on its own merits.
3. A counterpart unilateral undertaking to secure planning obligations arising from the nature of the development as required by the development plan was submitted for the purposes of the appeal. I have also had regard to that agreement under s106 of the Town and Country Planning Act 1990 in my determination of this appeal.
4. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). In the interests of natural justice both main parties have had the opportunity to submit comments on the relevance of the Framework to this case. I have taken any comments received into consideration and, in reaching my decision, I have had regard to the revised Framework.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the locality.

Reasons

6. The site consists of three consecutive residential plots located to the southern side of Chester Road (A559). The road is a main route leading to the village centre of Hartford from the open countryside to the west. The immediate locality consists of residential properties which often border directly to the surrounding open countryside as the line of houses tails away from the denser development of the village centre. The area benefits from a high degree of mature tree and vegetation coverage within the individual properties which gives the area a visually pleasing leafy character.
7. The site sits at the end of a row of individually designed detached two-storey houses set atop a rise in the local topography. The properties have gently sloping rear gardens but a more pronounced incline to the deep front garden areas which drop to the roadside. Invariably, the front gardens benefit from established landscaping, often set behind hedged frontages and low walls. Despite their raised positions, the gardens and set back position of the houses often reduce visibility to the buildings to only glimpsed views.
8. In the vicinity of the site the road corridor is wide with verges and pavements to either side of the carriageway. Alongside the deep frontages either side of the road, this creates a high degree of spaciousness and a distinctive character to the row of development. Taken together, these positive aspects of the layout and appearance of local development result in a high quality streetscene.
9. The three elevated houses to be demolished are of moderate quality and contribute to the overall characteristic appearance of the locality. They have a similar alignment to those making up the extended row to the west, however, in the context of local development, the individual plots are particularly long with substantial rear gardens. Additionally, the plot at 437 Chester Road is wider in comparison to most others in the row.
10. The site is bordered to the east by Heyes Park, a modern cul-de-sac development of inward-looking detached properties. The boundary along the eastern part of the site abutting the rear gardens of some properties within the cul-de-sac features an established high hedge running along much of its length. A redeveloped site providing new housing lies to the rear of the site and a tandem development of detached houses lie beyond the western boundary.
11. The proposal seeks a large two-storey building positioned almost centrally in the amalgamated site. The development would provide bedrooms with en-suite facilities for up to 69 elderly residents, communal spaces, staff and support amenities. The building would feature a staggered frontage linking from a spinal element running deep into the plot. Two additional wings would project towards the site boundaries in the rear half of the site.
12. Smaller sitting terraces and verandas would flank the central element of the spine. These would face gardens in the intervening areas which, like a proposed larger amenity area to the rear of the building, would be formally landscaped with lawned gardens, footpaths and wooden structures. The area to the front of the building would incorporate a parking court, detached refuse store, sub-station and manoeuvring areas. In addition to retaining the eastern boundary hedge, the proposal would retain two mature trees on the frontage and the roadside boundary hedge. Landscaping to the outer boundaries and

- within the parking area would be augmented by new native hedge and tree planting.
13. The combined area of the three plots would be substantially wider and deeper than those characteristic of the locality. Although the proposed building would have a similar height to the existing buildings, its overall scale would be significant in comparison to the context of local built development. The expansive footprint of the building would extend deep into the plot in contrast to the consistent limited depth of properties within the row.
 14. Even when accounting for the higher density and depth of development to the east and the introduction of buildings behind the site and the adjacent property at 439 Chester Road, the proposal would contrast with the prevailing grain and built form of development. However, aside from views from the garden area of No439 and the properties to the rear, subject to the retention of the high hedge, the scale of the remainder of building would be difficult to observe. The visual effects of the building's size would be primarily experienced from the street.
 15. The building's staggered frontage would incorporate two main elements, each designed to appear distinct and take on the proportioning of some of the larger examples of dwellings in the locality. The frontages show variation in the type and proportion of their openings, roof form and elevational materials. The façades would incorporate different styled bays and architectural detailing from different eras. Alongside the offset line of the frontage, this design seeks to present as two separate elements to correspond to the existing appearance of development in the row.
 16. The two façades would be joined by the side return of the forward-most eastern element and a recessed link section with a large area of glazing and lower spreading roof pitch. The glazed wall would be set behind the line of the western element. The deep step would introduce a significant length of two-storey elevation between the contrasting façades to considerably extend the length of visual frontage. Although there are other buildings stepped behind the main building line elsewhere in the row, the development would lack any sense of space between the frontage elements and be particularly notable when travelling down the inclined road from the west.
 17. Despite the varied elevational treatments, the design would maintain a constant ridge and eaves level to the roof structure across all of the frontage elements except for two projecting gables, which would be higher. Although the articulation in the forward elements would serve to break up the continuity of a single wide frontage to reduce the perception of massing across it, the continuous roof and significant length of the side wall would act to visually consolidate the building as a single entity. This would expose the substantial width and scale of development across much of the breadth of the large site.
 18. Furthermore, this would undermine the intended design approach to appear as separate buildings which would provide little visual coherence between the four individual visible elements of the frontage. It would thus appear somewhat pastiche and contrived. These aspects of the development would contrast sharply with the character of other development in the row and wider area.
 19. In support of the design the appellant suggests that the glazed element would provide a reflective surface to enhance the visual split between the main

elements. Although some sky reflection would be likely given the elevated position of the building, the effect would be limited on account of the recessed position, the extent of the flanking walls and the continuity of the roof, albeit initially of a lower pitch. Furthermore, the appellant's streetscene interpretation plan suggests that the linking side elevation would include a lean-to element such that some views to the glazed link might be obscured. However, this detail is not reflected in the corresponding side elevation. I cannot therefore be sure of the extent of any effectiveness of the glazing.

20. Even if the glazing were to act in this manner, I find the continuity of the main ridgeline across the frontage elements would be the determining factor in revealing the significant scale and massing across the frontage of the building. The sense of scale would be increased by the position of the eastern element which would be some distance closer to the road than the alignment of the existing buildings. Whilst I acknowledge that the building has been sited further back in the site in comparison to a previous proposal, the forward position would nevertheless considerably increase the prominence of the eastern façade and connecting side elevation.
21. I recognise that the location of the site lies adjacent to a point of change in the streetscene. However, the neighbouring development closer to the village centre lies side-on to Chester Road before becoming significantly finer grained. The site therefore has a substantially greater affinity to the main row of set-back development.
22. Some seasonal screening would arise from the proposed retention of a large tree in front of the house at No437. However, the majority of the remaining mature trees and individual bushes providing layers of screening on the inclined gardens are proposed to be removed from the combined site frontages. This would be replaced with medium standard trees to the frontage boundaries and two new trees in the parking court. In addition, the front hedge heights could be increased to limit the visual effects of the lower parking areas. However, the overall screening effect of the building would be limited such that views would be much greater than the glimpsed views of the existing development.
23. Taking all the above matters together, I find the resulting disproportionately wide front elevation would contrast with the layout and spacing of development in the row on the southern side of Chester Road. It would appear excessively prominent by virtue of its scale and part forward alignment of the position of the existing buildings. This would cause significant harm to the character and appearance of this part of the Chester Road street scene and the wider locality.
24. In support of the proposal the appellant has referred me to examples of the layout of some other care homes. Although some have corresponding elements to the scheme before me, there is little evidence of the context of those sites or the character and nature of the surrounding development. They do not therefore provide justification for overcoming the harm I have identified to the streetscene.
25. For the above reasons, I find that the proposal would cause significant harm to the character and appearance of the locality. It would fail to reflect the requirements of Policy ENV6 of the Cheshire West and Chester Local Plan Part One: Strategic Policies [2015], Policy DM3 of the Cheshire West and Chester Local Plan Part Two: Land Allocations and Detailed Policies [2019] and

Policy BELD1 of Hartford's Neighbourhood Plan 2010-2030 [2016] as they seek development proposals to respect the character of local development in terms of layout, scale and appearance and maintain a sense of place in responding to local distinctiveness.

Other Matters

26. In support of the development the appellant has referred me to the benefits of delivering accommodation that would add to the housing mix in the locality and make more efficient use of the land and there is no dispute in this matter.
27. This would meet a high and increasing demand for flexible care home accommodation and could offer a high standard of service and hygiene. It could be delivered on a medium sized windfall site in a relatively quick manner.
28. Furthermore, it would potentially free-up market housing currently occupied by prospective residents of a care home to contribute to the borough's stock of family and other types of housing. Notwithstanding that the Council is able to demonstrate a healthy 5-year housing land supply, this would align with the support in the development plan and the Framework for significantly boosting the supply of housing and would meet the need of groups with specific housing requirements. The provision of specialist care could also free up hospital beds in a safe manner. These would be benefits of the scheme.
29. The scheme would contribute to the economy through the construction phase of the development and the generation of 60-80 full-time equivalent jobs and support local services in a sustainable location. This is also a benefit of the scheme.
30. As requirements of the development plan, those aspects of the scheme which seek to address other policy requirements, including contributions secured through a planning obligation under s106 of the Act in relation to allotments, healthcare, parks and recreation, and biodiversity, are not benefits in favour of the scheme.
31. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty on me to have regard to the likelihood of European Protected Species being present and affected by the proposed development. A survey¹ for bat activity on the site identified that the site accommodates a bat roost which would be lost upon demolition of the existing buildings. Subject to controlled lighting, the retention and/or replacement of foraging habitat and compensatory bat roosting opportunities, there would be sufficient mitigation and enhancement to conclude that the necessary licence to cause the loss of the existing roost would be granted.
32. I note the further concerns of third parties in relation to the effects of the proposals on residents' living conditions. Although parts of the building would be visible over the high hedge on the eastern boundary, it would be largely screened and sufficiently offset from the boundary to avoid significant impacts on privacy and outlook. The location of the proposed bin store, kitchens and laundry may generate areas of greater activity and some emissions; however, these are matters that could be controlled through the use of planning conditions to ensure that no significant adverse effects on the living conditions of neighbouring residents would arise.

¹ Leigh Ecology Ltd Bat Activity Survey Report May 2020

33. Part of the proposed building would sit alongside the dwelling at No439. This has side-facing windows serving a through kitchen and dining/living area. Some loss of light to the side window would occur; however, the room benefits from other windows. Whilst some overshadowing would occur, this would be for a limited early morning period and the effect would be little different to that of the existing building and boundary vegetation. Although the outlook from the side windows would change, the proposed building would be at a greater distance from the boundary and the combined room benefits from other outlooks to the front and rear of the property.
34. The windows in the central section of the proposed building would address the common boundary with No439, which is modest in height. However, these would be at sufficient distance to avoid a significant loss of privacy. The effects on neighbouring living conditions would therefore be minor.

Planning balance and conclusion

35. The scheme would conflict with the development plan in terms of its scale and design which would contrast significantly with the character and appearance of development on this section of the road. It would give rise to some economic and social benefits through the provision of specialist housing to meet an identified need, free up existing housing elsewhere and create potential employment opportunities. However, those benefits are not necessarily dependent on the particular design of the proposed development. They are therefore of limited weight in favour of a development identified to cause significant harm which, as a building intended to last, would persist for tens of years.
36. Accordingly, I conclude that there are no material considerations that indicate the decision should be made other than in accordance with the development plan taken as a whole. Therefore, for the reasons given, the appeal should not succeed.

R Hitchcock

INSPECTOR