



Appeal Decision

Site visit made on 11 October 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2021

Appeal Ref: APP/A0665/W/20/3261675

Land between Red Lane and Ashlands, Red Lane, Frodsham WA6 6QZ

- 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 James Graham against the decision of Cheshire West and Chester Council.
 - The application Ref 19/04082/FUL, dated 8 October 2019, was refused by notice dated 2 October 2020.
 - The development proposed is the introduction of two new dwellings and associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published in July 2021, which has replaced the 2019 iteration. The main parties were given the opportunity to comment upon the implications of the revised Framework.

Main Issues

3. The effect of the proposed development on a) the character and appearance of the area and b) the living conditions of occupiers at 39 Ashlands and 2 and 4 Red Lane, with particular regard to privacy and outlook.

Reasons

Character and Appearance

4. The appeal site is an overgrown area of land that slopes steeply upwards from Red Lane to the turning space at the cul-de-sac of Ashlands. Properties along the stretch of Red Lane east of the appeal site are predominantly older, red-brick detached and semi-detached, traditional two storey examples. This height and scale of built form is reflected on Ashlands, albeit the street scene is made up of newer buildings in a good quality uniform detached neo-Georgian style.
5. The proposed dwellings attempt to pick up elements of the properties on Ashlands in terms of the fenestration and the use of render. However, they would be a pair of semi-detached dwellings and, as a result of the topography of the site, they would appear as single storey when viewed from Ashlands. By virtue of the collective width and limited height of the dwellings they would be obtrusive features that would interrupt and noticeably jar with the established pattern, scale and uniform quality of built form on Ashlands.

6. When viewed from Red Lane, the proposed development would be noticeably elevated and thus visually prominent. The use of a rendered finish and somewhat confused window design would fail to reflect the more traditional and conventional property type and situation, appearing therefore as something of a convoluted and incongruous addition.
7. Accordingly, the proposed development would harm the character and appearance of the area and would therefore conflict with Policy ENV6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (the LP1), Policy DM3 of Cheshire West and Chester Council, Local Plan (Part Two) Land Allocations and Detailed Policies (the LP2) and the Frodsham Town Design Statement, Supplementary Planning Document (July 2010). Collectively they seek to ensure that developments are of a high quality that respects and contributes positively to local character, amongst other matters.

Living Conditions

8. The rear windows of the proposed four-bedroom dwelling would be off-set slightly from and would not directly face the rear windows of No 4 thus would not allow for significant overlooking. However, the distance between the ground floor bedroom window of the proposed three-bedroom dwelling and the first floor rear window of No 4 would only marginally exceed the minimum distance of 21 metres between facing windows of main habitable rooms, as identified in the supporting text of Policy DM2 of LP2. Taking into account the raised position of the proposal in relation to No 4 which, along with the close relationship between the windows, would give opportunities to directly look downwards into the bedroom of No 4, resulting in an invasive loss of privacy for its occupiers.
9. The proposed dwellings would be set on a much higher level to Nos 2 and 4. Taking this, their width and collective scale into account, they would be observed as looming and overbearing to users of the gardens to these neighbouring dwellings, creating an uneasy sense of enclosure.
10. In terms of privacy for occupiers of No 39, even if the front ground floor windows of the proposed dwellings were to serve habitable rooms, given that they would be sited across the highway at a lower height and would face towards its side elevation, the proposal would not present opportunities for occupiers to overlook No 39. The proposal would not therefore result in a loss of privacy for its occupiers.
11. That lack of harm aside, the appeal scheme would still result in harm to the living conditions of occupiers of 2 and 4 Red Lane and would therefore conflict with Policy SOC5 of LP1 and Policy DM2 of LP2 which seek to ensure that developments safeguard the quality of life for residents living nearby and do not result in a significant adverse impact upon outlook or privacy.

Other Matters

12. Although the proposed development may be constructed with high sustainability credentials, this is a neutral matter and a requirement of Policy ENV6 of the LP1. I therefore afford it limited weight. In addition, there is no substantive evidence to suggest that the appeal site is dangerous, despite it being in an overgrown state at present. The appeal scheme could remedy this

situation however it would give rise to its own planning harms. I am not therefore led to allowing the appeal for this reason.

Conclusion

13. The proposal would provide two additional homes which would bring some accompanying benefits associated with the investment and employment in the construction of the dwellings and from the spending in the local area from future occupants. However, the nature of these benefits would be limited due to the small scale of the development. Accordingly, they would attract only limited weight.
14. The proposal would harm the character and appearance of the area and the living conditions of neighbouring occupiers in the manner I have set out above, harm which would lead to conflict with the development plan. I attach substantial weight to these matters. There are no material considerations that indicate a decision otherwise would be appropriate. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR