



Appeal Decision

Site Visit made on 12 October 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 10th November 2021

Appeal Ref: APP/A0665/D/21/3275668

34 Links Avenue, Little Sutton, Ellesmere Port, Cheshire CH66 1QT

- 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 Andrew Stobbs against the decision of Cheshire West and Chester Council.
 - The application Ref 20/04127/FUL, dated 16 August 2020, was refused by notice dated 26 March 2021.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension at 34 Links Avenue, Little Sutton, Ellesmere Port, Cheshire CH66 1QT in accordance with the terms of the application, Ref 20/04127/FUL, dated 16 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing floor and elevation plans – Location Plan, Ref drawing no.1; Proposed floor and elevation plans, Ref drawing no.2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal property and the area.

Reasons

3. Nos 34 is the last dwelling of a group of similar 2 storey semi-detached properties that extend from Links Avenue along Red Lion Lane. The pairs of properties are separated from one another by their respective side driveways. By virtue of the curvilinear form of the road, the plots taper from front to rear and the spacing between the side elevations of neighbouring properties reduces from front to rear. Beyond the group in either direction, the residential area comprises a mix of single storey and 2 storey detached, semi-detached and terraced dwellings variously styled, sized and sited.

4. The extension would be set back from the front elevation, and it would be set down from the main ridgeline, of No 34. By virtue of its size and design, the proposal would be subservient and it would respect the front elevation of its host and the pair of properties. The proposal would be unassuming and it would not unbalance the pair of properties. Moreover, by virtue of being located at the end of the semi-detached group and on a curving road, it would not be conspicuous and it would not disrupt the internal rhythm of the group.
5. The Cheshire West and Chester Council House Extensions and Domestic Outbuildings Supplementary Planning Document (the SPD) was adopted in January 2021 before the planning application was decided. It provides specific guidance to avoid extensions resulting in the appearance of a continuous frontage or terracing effect in areas where this would be out of keeping with the character and appearance of the area.
6. In this case, the front elevation of the extension would be roughly 0.5m from the side boundary and its rear elevation would be separated by a smaller distance. Consequently, the proposal would fail to achieve the SPD recommended 1m separation at first floor level to the side boundary. However, while it would be close to the boundary, it would be well separated from No 32 by the driveway of the neighbouring property. Therefore, the proposal would not result in the appearance of a terrace.
7. I understand the Council's concern that, if No 32 was extended, the close spacing of the proposal could lead to a cramped appearance and a terracing effect. I accept that this might be the case between matching semi-detached properties with similar extensions. However, No 32 is a detached property and it already has a single storey extension to its side elevation facing No 30, from which it is widely separated. There is little to suggest that the neighbouring occupiers would seek to construct a 2 storey side extension close to the appeal property. Even if they did, there is little evidence that the proposal would result in cumulative adverse visual effects with a theoretical extension to No 32, which is a visually distinct detached property. In reaching this conclusion, I have taken account of the mixed townscape character, including terraces.
8. Therefore, I conclude that the modest and visually unobtrusive proposal would not harm the character and appearance of the host property or the area. It would not conflict with the development plan including Policies ENV6 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies Adopted January 2015 and DM3 and DM21 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies Adopted July 2019. These require, among other things, that development respects local distinctiveness and sense of place through high quality design and extensions should be in keeping with local character and appearance and subordinate to surrounding built development. It would not conflict with the aims of the SPD in relation to maintaining building symmetry and avoiding the creation of continuous frontages in areas where this is not in keeping.

Other Matters

9. The proposal would result in the loss of parking spaces and it would not meet the requirement in the Parking Standards Supplementary Planning Document. Although the Council officer's report suggests that, if the application had been acceptable, 2 parking spaces could have been secured by planning condition, it considers that there is likely to be sufficient on-street parking capacity. In this

regard, I saw that properties generally had private parking and there were relatively few cars parked on the street. I am not aware that the area suffers from on-street parking pressure or that the Highway Authority raised any concerns in relation to the proposal. Notwithstanding the parking standards, in the absence of harm to the safe operation of the highway, it has not been demonstrated that the proposal would conflict with the relevant overarching aims of the National Planning Policy Framework or local plan policies.

10. I note the concerns of the neighbour in relation to the location of the soil inspection chamber. However, this would be addressed under building regulations and it is not a matter for the appeal to address.

Conditions

11. In the event that the appeal was allowed, the Council has suggested planning conditions. I have assessed these against the tests set out in the Framework.
12. In addition to the standard condition limiting the lifespan of the planning permission, a condition securing materials is necessary to protect the character and appearance of the area. I have also specified the approved plans in the interests of certainty.
13. Notwithstanding the officer report, the Council has not suggested, and I have not imposed, a planning condition requiring off-street parking spaces. This is because, in the absence of harm the safe operation of the highway, the parking provision is not demonstrably necessary to make the development acceptable.

Conclusion

14. For the reasons set out above, I conclude that the proposal would not harm the character and appearance of the appeal property or the area. Consequently, the proposal would not conflict with the development plan.
15. Therefore, the appeal should be allowed and planning permission should be granted, subject to conditions.

Sarah Manchester

INSPECTOR