



Appeal Decision

Site visit made on 30 November 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2021

Appeal Ref: APP/R0660/W/21/3280850

"Kepstorn", 37 Rope Lane, Wistaston, Cheshire CW2 6RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dawn Nelson against Cheshire East Council.
 - The application Ref 21/1105N, is dated 21 February 2021.
 - The development proposed is a detached timber frame open-fronted garage.
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Decision

1. The appeal is dismissed and planning permission for a detached timber frame open-fronted garage is refused.

Background and Main Issue

2. The Council had not determined the planning application prior to the appeal. However, its appeal statement indicated that it considered that the proposed garage would be, because of its siting, scale and massing, a prominent and incongruous feature in the area.
3. The main issue is therefore the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal property "Kepstorn" is a detached two-storey house on the north east side of Rope Lane. There is some variety in the scale, design, size, and siting of housing along Rope Lane as a whole, although that part of the road closest to the appeal site is characterised by reasonably large, detached dwellings, set in generous plots with mature planting and landscaping. The properties are mainly two-storey houses, although there are also some bungalows. Building lines on both sides of this part of Rope Lane are consistent, although the dwellings on the south-west side are generally slightly closer to the road, and to one another, than those on the north-east side. Overall, the area has a pleasant, spacious, and verdant character.
5. The proposed development is the erection of an oak-framed open-fronted garage, with larch feather-edged boarding to the sides and clay or slate roof tiles. It would be sited in the front garden, close to the boundary with the neighbouring property at No 35. The garage would be around 6m wide by 5.5m deep, with its open front perpendicular to the dwelling. The side elevation

closer to Rope Lane would be around 9m from the property boundary, while the further side elevation would be around 2m from the nearest part of the house.

6. The Council's Extensions and Householder Development Supplementary Planning Document ("the SPD") advises that, in order to respect the setting, design, scale and form of the original dwelling, garages or outbuildings should not be sited forward of the existing building. The SPD was adopted in 2008, which the appellant has pointed out was well before the publication of the National Planning Policy Framework ("the Framework") in 2012. However, notwithstanding this, there is no substantive evidence before me to indicate that the SPD is incompatible with the aims, objectives, or specific requirements of the Framework. Accordingly, while it is guidance rather than a part of development plan policy, the SPD is nevertheless a material consideration which carries considerable weight.
7. Front gardens in the surrounding area are almost entirely free of ancillary buildings. The siting of the proposed garage in this case would disrupt the established building line, and would make it an incongruous feature in the area. The appellant has referred to other gardens nearby where hedges and other planting mean that the "openness" of front gardens or the visibility of dwellings from the street is limited. However, I saw on my site visit that, while the variety of planting and landscaping contributes to the attractive appearance of the area, the consistent building lines and open front gardens are for the most part readily apparent from the street. The erection of what would be a large and prominent building in the front garden at Kepstorn would, in my view, be at odds with the prevailing form of the area and would detract from its prevailing spacious and verdant character.
8. I have no reason to doubt that the proposed garage would be of high-quality materials and built to a good standard of workmanship. The design and materials would match the existing front porch on Kepstorn but, while these elements of the proposal would be acceptable, they would not outweigh the other harm caused by the size and, in particular, the siting of the garage.
9. Information provided by the appellant with the planning application suggested that the proposed siting of the garage is necessary to increase security for vehicles, to prevent children "being watched by onlookers or running out on to the road", and to provide further security and safety for pets. It was also suggested that planting of jasmine and honeysuckle on the sides of the garage would bring "much needed greenery to the left-hand side of the property". However, there is nothing at all before me to suggest that addressing any of these matters would necessitate the construction of a substantial garage in the front garden, rather than less intrusive approaches. None of these considerations carries other than negligible weight in favour of the proposal.
10. There is nothing before me to suggest that providing a double garage for a property in the area would not be acceptable in principle. However, garages I saw in the surrounding area tended to be at the side, rather than at the front, of the dwelling they served, and so they are less intrusive in the street scene than the proposal before me would be. The appellant has drawn my attention to the garage in the front garden of No 21 Rope Lane, some eight properties north of the appeal site, as an example of a garage or outbuilding forward of the host dwelling which the Council has approved.

11. I saw on my site visit that No 21 is separated from the appeal site by "The Cottage" (No 23 Rope Lane), which marks a significant break in the character of the street scene. The Cottage is built close to Rope Lane and has a very shallow front garden, and as a result it closes off the consistent and spacious building line running southwards from No 23A which includes the appeal site. The area to the north of The Cottage is characterised by relatively modestly sized and closely spaced development both on Rope Lane itself and on the cul-de-sacs which run off it, including Meadow Drive next to No 21 Rope Lane. Even so, the garage in the front garden of No 21 is an unusual feature in the context of its immediate surroundings. In any case, because of the separation provided by The Cottage, the garage at No 21 does not play a significant part in defining the character of the area around the appeal site. It does not therefore weigh in support of the appeal proposal.
12. The proposed garage, because of the combination of its size and siting in front of the established building line, would not have regard to advice in the SPD and would be harmful to the character and appearance of the area. It would therefore conflict with Policies SD1, SD2, SE1 and SE4 of the 2017 Cheshire East Local Plan Strategy, and with Saved Policy RES11 of the 2011 Crewe and Nantwich Replacement Local Plan. Together these policies seek to ensure that development is appropriate in terms of its design, scale, form, and massing, and contributes positively to an area's character and built environment.

Other Matter

13. The appellant's statement drew my attention to the Council's handling of the planning application. This is an issue which the appellant would need to raise with the Council (and indeed I understand that she has done so), rather than something for me to address in determining this appeal. I have reached my conclusion based only on the planning merits of the proposal before me.

Conclusion

14. The proposal would be harmful to the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector