



Appeal Decision

Site visit made on 5 January 2022

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 20 JANUARY 2022

Appeal Ref: APP/A0665/D/21/3285227

Hill View Quarry Lane Kelsall Chester CW6 0PD

- 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 Ms Rachael Floyd against the decision of Cheshire West and Chester Council.
 - The application Ref 20/04788/FUL, dated 16 December 2020, was refused by notice dated 13 September 2021.
 - The development proposed is to enlarge first floor window opening, replacement windows and door and garage door and render front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that revised plans were submitted to the Council which amended the design of the first floor window opening. My decision is based on the revised plans.
3. The Council amended the description of the development and I note that the appellant's agent has also utilised this description on the appeal form. I have used this description as it is more detailed.

Main Issue

4. The main issue in the appeal is the effect on the character and appearance of the host dwelling and the area.

Reasons

5. The appeal relates to a three storey detached property located along the eastern side of Quarry Lane. There is a wide variation in the age, design, scale and materials of the dwellings on Quarry Lane. This makes for an attractively diverse streetscene. The topography of the area is such that the development on the west side of the street is at a significantly lower level to that on the east side of the street. This gives those properties on the east side a particularly prominent position within the streetscene.
6. The appeal property is the first, when approaching from a northerly direction along Quarry Lane, in a distinct set of three relatively modern brick built properties sited close to the road. Whilst they have a simple design, their high

level of coherence in terms of design and materials are prominent features in this part of the streetscene due to their location and high elevations. Their distinctive features as a group add to the variety of the general street scene in this location.

7. The proposal would see the application of render to the front elevation of the appeal property. Such rendering would be the first of its kind to this group of properties and as such the coherence of the group would be lost. I acknowledge that the size, siting and proportions of the appeal property would not be altered. I also recognise that in some instances the application of render can fall within permitted development rights. However, in this instance the extent of the render across the whole of what is a high front elevation would appear incongruous and at odds when viewed alongside the other two properties in the group.
8. I appreciate that there are a number of rendered properties in close proximity to the appeal property which lend to the diversity of the streetscene. However the majority of these are well set back from the highway in elevated positions and as such do not have such a prominent position as the appeal property. The closest property to this group, which is also partially rendered, has a distinctive design and appearance in the streetscene. Due to a mixed use of materials and design it does not represent a direct parallel to the appeal proposal. In any event the existence of this development does not justify development which would otherwise be unacceptable.
9. As part of the proposal a first floor level window would be replaced by an enlarged window with associated Juliet balcony. I note that whilst the Council expresses concern about the impact of this element of the proposal, they have not referred to it within the reason for refusal. Nonetheless, this alteration would further distinguish the appeal property from the neighbouring properties resulting in it appearing out of place within this group.
10. I acknowledge that there are no formal designations relating to the design and appearance of the appeal property nor the area, and the appellant's wish to improve the property. The National Planning Policy Framework also indicates that design should not be used as a reason for objection to development where the design accords with clear expectations in the Development Plan. Nonetheless, Policy ENV6 of the Cheshire West and Chester Council Local Plan (Part One) (Local Plan) requires development to respect local character and achieve a sense of place. In this instance the application of render would be at odds with the surrounding development and would increase the visual prominence of the appeal property.
11. I appreciate that the enlargement of the window would provide additional light and enable the appellant to enjoy expansive views of the area. However, these are not matters which outweigh the harm I have found.
12. Accordingly, I conclude that the proposed development would result in unacceptable harm to the character and appearance of the host dwelling and the area and as such would conflict with Local Plan Policy ENV6 together with Policy DM21 of Part Two of the Local Plan. These require, amongst other things, development to respect local character and distinctiveness and to be in keeping with the original dwelling and wider setting. It would also be in conflict with the expectation within the Cheshire West and Chester Council Supplementary

Planning Document House Extensions and Domestic Outbuildings for materials to match the existing building.

Other Matter

13. The appellant has asked that I consider a split decision in relation to the window enlargement but given my conclusions as to the harm caused, a split decision would not be appropriate.

Conclusion

14. For the reasons given and having regard to all matters raised, I dismiss the appeal.

K Winnard

INSPECTOR