



Appeal Decision

Site visit made on 16 November 2021

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2022.

Appeal Ref: APP/A0665/D/21/3283774

37 Stocks Lane, Chester CH3 5TE

- 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 Berry against the decision of Cheshire West & Chester Council.
 - The application Ref 21/00878/FUL, dated 28 February 2021, was refused by notice dated 2 September 2021.
 - The development proposed is described as 'Enclosure of front porch with timber cladding and new roof. Two-storey side extension and two-storey timber-clad rear extension with set-back first floor.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description above is taken from the application form. However, it does not include the dormer window on the rear roof slope, which the Council has included in its description on the decision notice. It is clear from the appellant's Design and Access Statement and Grounds of Appeal that the dormer window forms an integral part of the proposal. Therefore I have determined the appeal on the basis that the rear dormer is included, notwithstanding the description above.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host dwelling and surrounding area;
 - The effect of the proposed two-storey side extension on the living conditions of existing occupiers of 35 Stocks Lane (No.35) with particular regard to privacy; and
 - The effect of the proposed development on highway safety with particular regard to parking.

Reasons

Character and appearance

4. The appeal site comprises a traditional brick and tile, two-storey detached period property with front and rear garden, most likely built in the 1950s according to the appellant's historical mapping, although I note that some

residents consider the property to be much older. It is located in a leafy suburban road within an established predominantly residential area. The majority of the housing comprises detached and semi-detached traditional dwellings with a variety of styles and design, and a mix of facing materials of brick, render and decorative mock timber-framing details. Most roofs are pitched or hipped, and there are a number that have front gable features. The property has a part opened-sided hipped roof porch with carved timber uprights, a bay window and a prominent pitched roof gable to the front with decorative corner brick detailing and window arches. With its design, form, detailing, use of traditional materials and prominent gable frontage, the appeal property positively contributes to the character and appearance of the area.

5. The proposed development would involve various contemporary-styled extensions, namely a black timber-clad single storey flat roof front extension to enclose the porch; a part single-storey, part two-storey flat roof rear extension also faced in vertical black timber cladding; a two-storey side extension with black timber cladding to its frontage, and a zinc-clad flat-roof dormer on the rear roof slope.
6. The front of the property would be altered and extended by the addition of a flat roof porch and a slim two-storey side extension. Both would extend the side of the property out by about 1.26 metres in line with each other, but neither would extend out frontwards.
7. The partially open original porch would effectively be replaced by a 'black box' that would fully enclose the porch. Any visual continuity sought by carrying on the flat roof of the existing bay window would be negated by the lack of visual continuity in the form and style of the extension and the use of black timber cladding. Moreover, the flat roof on the bay window is not the prevailing roof form of the property to replicate. The proposed porch would obscure and hence diminish the period character of the principal elevation of the dwelling. Consequently, it would be an unsympathetic and incongruous addition to the property.
8. The two-storey side extension would be a modest slim extension on its own and would maintain the existing first floor set-back. Nonetheless, the widening of the property, together with the proposed flat roof 'boxy' form of the porch extension, would combine to distort the prevailing vertical proportions of the property frontage. In doing so, the extensions would be the dominant elements and erode the architectural prominence of the two-storey gable feature on the front elevation. The use of black timber cladding would not mitigate this.
9. The ground floor element of the rear extension would extend across the entire width of the widened property. The first floor unit would be smaller and set back at first floor, but angled to give more light and to accord with the 45 degree code. In my mind this is a contrivance that creates an uncomfortable relationship with the host dwelling and the ground floor extension beneath it, and is visually discordant. Keeping the flat roof of the first floor extension the same height as the eaves of the main property does not create subserviency - indeed the use of the vertical black timber cladding on both rear extensions does the opposite.
10. The rear dormer would extend almost the entire width of the extended roof. It would sit a little lower than the main roof ridge and would be set back about

200mm from the eaves. Whilst the surrounding roofscapes are not uniform they are nonetheless largely unaltered and I saw that the lack of dormer windows was a prevailing feature. Whilst the dormer would not be visible from the road, it would nonetheless represent a large and substantial bulk, particularly as it would extend across the widened roof. I find it would be an unduly dominant and oversized feature, despite the use of grey zinc on a grey slate roof.

11. The proposed extensions have sought to utilise some common design techniques, some of which are set out in the Council's 'House Extensions and Domestic Outbuildings' Supplementary Planning Document (the 'Design SPD') to try and create extensions that are subservient to the host dwelling. However, merely employing techniques and certain measurements does not necessarily create subordinate extensions if elements, such as the form, design, scale and choice of materials, are not appropriate.
12. I acknowledge that timber is a traditional and sustainable building material. In Chester, black and white timber framing is a significant part of the city's historic and local vernacular, and indeed I saw decorative mock black and white timber framing in the area, as well as in the examples in the appellant's 'Design Features' document. However, black timber cladding is not part of that vernacular, borne out by my observations and the lack of examples in the appellant's evidence. The fact that rainwater goods and windows may be coloured black is not sufficient justification to warrant the extensive use of black timber cladding on a period property and in the manner proposed.
13. The appellant includes a number of examples in Chester of contemporary flat roofed blocky extensions and use of timber and zinc cladding. The riverside property is of a very different size and scale with a different variety of extensions. Elizabeth Crescent is located on the other side of the river and has a very different character and context with more modern houses. The Council has not commented on these extensions. The other examples in the appellant's Design Features document are not from Chester and therefore do not represent the local vernacular or context. Whilst they serve to illustrate that contemporary extensions have been added to buildings, I find none of the examples are directly comparable to the appeal proposal before me, which I must consider on its own merits.
14. To conclude on this main issue, it is not uncommon for various architectural and design features to be used to indicate an extension has been added to the host dwelling, and indeed contemporary extensions can and do work. However, in this case, the proposed extensions, by reason of the design, form and materials would be visually discordant additions to the property that would not be in keeping with the prevailing local vernacular and would not be sufficiently subservient. Consequently, they would cause harm to the character and appearance of the host dwelling and the area.
15. Accordingly the proposed extensions would be contrary to Policy ENV6 of the Cheshire West & Chester Council Local Plan (Part One) (the 'LP1') and Policies DM3 and DM21 of the Cheshire West & Chester Council Local Plan (Part Two) (the 'LP2'). These collectively seek, amongst other things, to promote high quality design and expect development to respect local character and maintain and enhance the architectural details and elevation treatments of the main

frontages and prominent elevations. It would also be contrary to the guidance in the Design SPD.

Living conditions

16. At present the appeal property has five windows in its side elevation directly facing the side elevation of the neighbouring property No.35. At first floor these are a bedroom window and an obscure glazed narrow bathroom window. Due to the orientation of the properties and the windows, views from the bedroom window towards the neighbour's rear garden would be oblique and hence limited.
17. The proposed two-storey side extension would have only one first floor window (shown for a study) that would face No.35. Whilst this window would be about 1.26 metres closer to the side of No.35, any views from the new window towards the rear outside patio/garden area of No.35 would remain oblique. Moreover, the new window would be narrower and shorter and hence smaller than the existing bedroom window, and so views from it would be less than from the existing window. Hence I am satisfied there would not be an increase in overlooking or loss of privacy arising from the two-storey side extension.
18. I find there would be no significant harm to the living conditions of existing occupiers of No.35. Accordingly there would be no conflict with LP1 Policy SOC5, and LP2 Policies DM2 and DM21. These collectively seek, amongst other things, to ensure that new development safeguards the quality of life for residents and those living nearby and does not give rise to significant adverse impacts on health and quality of life, including residential amenity. It would also conflict with the guidance in the Design SPD.
19. The Council states that the rear dormer window would be over 21 metres away from the windows of properties to the rear. This accords with the guidance in the Design SPD for there to be a minimum separation distance of 21 metres between facing windows of main habitable rooms to avoid significant overlooking. From what I saw on my visit, and from the evidence submitted, I have no reason to come to a different view.

Highway safety

20. LP2 Policy T5 seeks to ensure that there is appropriate and sufficient parking provision to serve the needs of the development, having regard to the Council's latest parking standards, which are set out in the Council's Parking Standards Supplementary Planning Document (the 'Parking SPD'). These standards are recommendations, but where insufficient parking is provided the developer is expected to demonstrate why the proposal is acceptable. LP2 Policy DM21 requires development to include suitable provision for access and parking.
21. The plans show the appeal property currently has three bedrooms (two doubles and a single) with limited on-site parking. There is currently a paved driveway alongside the dwelling leading to a detached single garage in the garden. However, the hedge along the shared boundary was somewhat overgrown and the driveway looked narrow by today's standards. The proposed extension would provide 3 double bedrooms. The Council's parking standards recommend that 2-3 bed dwellings have 2 parking spaces.
22. The proposed two-storey side extension would build across most of the driveway, such that only pedestrian access would remain along the side of the

dwelling. The appellant states that the front of the dwelling is set some 6-7 metres back from the road, giving ample space for a car to be parked. That may be the case, but the submitted plans show only space for one vehicle and do not utilise the full space described between the front of the dwelling and the pavement. The Council advises that the driveway parking space shown is about 4.6 metres length, whereas the Parking SPD advises that parking spaces need to be about 5 metres long. I could see that this needs to be the case to avoid vehicles overhanging the pavement and obstructing the highway. The driveway shown as part of the proposed development would not be long enough to park one car and no provision is made for a second car.

23. The Council advises that Stocks Lane is a well-used linking route including for the nearby secondary school. I saw the road was subject to a 20 mph speed limit and there was a substantial amount of on-street parking near the appeal site and nearby junction with Stocks Avenue during my visit. I observed Stocks Lane was well used and saw vehicles waiting for on-coming traffic before being able to pass parked cars. Without adequate parking provision for the extended dwelling there would be an increased demand for on-street parking in the area that would exacerbate an existing situation to the detriment of highway safety.
24. It may well be possible to reconfigure the front garden, as other properties have done, to provide more parking but no plans have been submitted showing a revised layout. I could impose a condition requiring the submission of a layout showing additional parking. However, based on the submitted plans and the presence of the existing front boundary wall along the back edge of the pavement, I am not satisfied that 2 vehicles could be adequately accommodated.
25. As a result the proposed development does not provide sufficient on-site parking provision to the detriment of highway safety. Accordingly, the development would be contrary to LP2 Policies T5 and DM21, whose aims are outlined above. It would also be contrary to the parking standards in the Parking SPD.

Conclusion

26. Whilst I find no harm to the living conditions of existing occupiers of No.35, I do find harm to the character and appearance of the host dwelling and the area and to highway safety. The proposed development would not accord with the development plan and there are no other considerations which outweigh this finding.
27. Accordingly, for the reasons given above, the appeal should be dismissed.

K. Stephens
INSPECTOR