
Appeal Decision

Site visit made on 27 April 2022

by Paul Singleton BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2022

Appeal Ref: APP/R0660/D/22/3294487

1 Mount Close, NANTWICH, CW5 6JJ

- 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 and Ms Young and Merry against the decision of Cheshire East Council.
 - The application Ref 21/4749N, dated 9 September 2021, was refused by notice dated 14 January 2022.
 - The development proposed is dormer roof providing additional accommodation, vehicle access, rendering/cladding of external facades and garden walling.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed garden walling. The appeal is allowed insofar as it relates to the proposed dormer roof providing additional accommodation, vehicle access and rendering/cladding of external facades at 1 Mount Close, Nantwich, CW5 6JJ in accordance with the terms of the application, Ref 21/4749N, dated 9 September 2021, 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 approved plans Nos. MC 01 03 and MC 01 01B (insofar only as Plan MC 01 01B sets out details of the new vehicular access and parking area).
 - 3) The materials to be used in the construction of the dormer roof and the rendering/cladding of the external elevations shall be in strict accordance with those specified in the application.
 - 4) In accordance with the details shown on Plan No. MC 01 01B, the new access and parking area shall be surfaced only with a permeable type of paving material.
 - 5) The first floor bedroom and landing windows proposed in the south facing elevation facing No. 35 Mount Drive shall be glazed using obscured glass to a minimum of Level 3 of the "Pilkington" scale of obscuration. The windows shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed. The windows referred to in this condition shall thereafter remain at the same level of obscurity (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition).

2. For the avoidance of doubt this decision does not grant planning permission for any part of the garden walling shown on Plan No. MC 01 01B.

Main Issue

3. The main issue is the effect on the character and appearance of the appeal property and of the street scene in Mount Close and Mount Drive.

Reasons

4. The neighbouring property, at Number 35 Mount Drive, has been extended to form a two storey dwelling and the bungalows on the opposite side of Mount Close (Nos. 2 and 2A) both have full length dormer windows to their front elevation. The Council has not raised any objection to the proposed dormer roof and I agree that this would not be out of keeping with the host building, the neighbouring properties or the wider street scene. The rendering/cladding of the external elevations and new vehicular access have not been objected to by the Council. I consider that these do not give rise to any significant concerns as to their effect on character and appearance.
5. Mount Close comprises mostly single-storey bungalows on the south side and a combination of bungalows and taller, dormer bungalows on the north side. A key characteristic of the street scene is the open plan nature of the front gardens, with the majority of dwellings having no fences or walls to their front (roadside) boundaries or to the shared boundaries with the neighbouring dwellings. Although there are some low hedges and other vegetation in the front gardens the street has an open character. The front lawns and garden vegetation make an important contribution to the attractive appearance of the street. The 1.8 metre high brick wall proposed to the side boundary of the property, and the sections of that wall returning at right angles at both ends, would result in a boundary treatment which is of a harsh and severe appearance that would be wholly out of keeping with the open, green character of the street scene. The front return section of the wall would be visible from Mount Drive and would partially close off the currently open view across the front garden towards No. 2 Mount Close. This would reduce the open character of the road junction.
6. There is an arched panel fence to the boundary of No. 2A Mount Drive but this is largely screened and significantly softened in its appearance by the hedge behind it. It does not intrude into the street scene on Mount Close to the extent that the proposed wall would do. Creating privacy to garden areas on corner properties can be difficult. However, the high brick wall proposed is an excessive and unnecessarily harsh solution to that problem. It would be an unsympathetic and discordant element in the street scene and would detract from the character and appearance both of Mount Close and Mount Drive.
7. While the other elements of the appeal scheme are acceptable the proposed wall conflicts with Policy SD2 of the Cheshire East Local Plan Strategy 2010-2030. This requires that new development should contribute positively to an area's character and identity and reinforce local distinctiveness in respect of matters such as height, scale and choice of materials. I find that there are no material considerations that outweigh that conflict with the development plan.

Conditions

8. Conditions are attached to the permission to require that the development permitted, including the materials used, is carried out in accordance with the plans as submitted to the Council (excluding all details of the proposed walling shown on Plan No. MC 01 01B). A condition is also needed to require obscure glazing in the new windows in the south elevation to protect the privacy of the occupiers of the neighbouring dwelling. I have attached a condition that stipulates that the new vehicular access and parking area shall be paved in a permeable material to ensure that this does not result in increased surface water run-off from that area. The Officer report records the Council's view that this element of the proposal is acceptable on this basis and I consider it appropriate to ensure that the scheme is implemented in accordance with that detail.

Conclusion

9. It seems to me that the proposed walling to the garden area is a free-standing element of the scheme that is severable from the other components of the appeal proposal. These are, therefore, capable of being implemented in isolation from the garden wall works. For these reasons and those already set out above I conclude that the appeal should be allowed in part and dismissed in part.

Paul Singleton

INSPECTOR