



Appeal Decision

Site visit made on 29 June 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2022

Appeal Ref: APP/R0660/W/22/3290045

180 Nantwich Road (rear), Swinnerton Street, Crewe, Cheshire CW2 6BS

- 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 Thomas Baker against the decision of Cheshire East Council.
- The application Ref 20/3766N, dated 25 November 2020, was refused by notice dated 30 November 2021.
- The development proposed is "3 No. Apartments"

Decision

1. The appeal is dismissed.

Preliminary Matters

Description

2. The description of the development on the application form is virtually illegible due to the poor quality copy. Therefore the description above is taken from the Council's decision notice, and which the appellant uses on the appeal form.

Amended plans

3. The appellant has submitted additional plans with his Statement to address the reasons for refusal. The additional floor plans and elevations show new windows inserted in the rear elevation of the building, and an additional block plan shows a parking layout including for the adjacent 180 Nantwich Road.
4. Annexe M of the Planning Inspectorate's Procedural Guide¹ advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application, and that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
5. The additional plans were not before the Council when it made its decision and have not been subject to public consultation. I have had regard to the Wheatcroft principles referred to in Annexe M.2.2 of the Procedural Guide and consider that the proposed amendments are such that if I were to accept them, they could deprive those who should have been consulted on them the opportunity of such consultation. I have therefore decided not to accept them and have determined the appeal on the basis of the originally submitted plans, which are those on which the Council made its decision.

¹ Planning Appeals – England dated February 2022

Main Issues

6. The main issues are:-

- The effect of the proposed development on the living conditions of existing occupiers of 178 Nantwich Road (No.178) and 1 Swinnerton Street (No.1) with regard to privacy,
- The effect of the proposed development on the living conditions for future occupiers with regard to light and outdoor amenity space, and
- The effect of the proposed development on highway safety with particular regard to parking.

Reasons

7. The appeal site comprises part of the rear yard of 180 Nantwich Road (No.180), a large period property on the corner with Swinnerton Street, which is a residential street of terraced period properties. An outbuilding was to be demolished to make way for the proposed development, but I saw on my visit that it had already been demolished. The remaining yard would continue to be used for parking for No.180 (a former solicitors that I understand has now been converted into a number of residential flats) accessed off the alleyway running between Swinnerton Street and Sherwin Street.
8. The proposed development would be for the erection of a two-storey building, designed to look like a terrace of three bay-fronted period dwellings fronting onto Swinnerton Street. It would provide a 1 bedroom ground floor apartment, and 2 first-floor, 1-bed apartments. Each apartment would be accessed by its own front door from the street.

Living conditions of existing occupiers of No.178 and No.1

9. Each proposed unit has a bay-fronted window at ground floor. Two of these serve the bedroom and open-plan living/dining/kitchen of the ground floor apartment. The third bay window serves a communal space for storage of 'buggies/cycles'. At first floor, the sash-style windows all serve habitable rooms of the first-floor flats, namely two bedrooms and two open-plan lounge/dining/kitchens.
10. With regards No.178, this property sits on the corner of Nantwich Road on the opposite side of Swinnerton Street. On its side elevation facing towards Swinnerton Street there are two bay windows, two narrow windows, a door and a single storey extension with a roller shutter door. The proposed new windows would look directly across the street to the brick extension and roller shutter door. There would only be oblique views towards the windows of No.178. Due to this relationship, angle of view and the separation distance across the street I am satisfied there would not be any material overlooking to adversely affect the privacy of existing occupiers of No.178 as to harm their living conditions.
11. With regards No.1, this is an end-of-terrace dwelling set approximately 15 metres diagonally across Swinnerton Street from the proposed building. None of the windows of the proposed apartments would directly face No.1 or its habitable rooms – there would only be oblique views. The separation distances between existing properties facing each other on Swinnerton Street are already below the recommended 21 metres. In light of this and the oblique relationship

the proposal would not materially worsen this situation to a degree that would harm the living conditions of existing occupiers of No.1.

12. To conclude, I am satisfied that the living conditions of existing occupiers of No.178 and No.1 with regard to privacy will not be materially harmed by the proposed development. Accordingly there would be no conflict with Policies SE1 and SD2 of the Cheshire East Local Plan (the 'CELP') and saved policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan (the 'C&NRLP'). These collectively seek to ensure, amongst other things, that new development does not prejudice the amenity of existing occupiers of neighbouring properties.

Living Conditions for future occupants

13. As there are no rear elevation windows in the proposed building, all of the proposed apartments would have single aspect rooms. Despite a single rooflight at the rear of the room, the first floor open-plan living/dining/kitchen rooms in particular would be darker and gloomier and more unpleasant to use. In addition, all the windows would be east-facing such that the rooms would only receive limited sunlight in the mornings.
14. The communal outdoor amenity space would occupy a strip of land at the rear of the building, some 12 metres long by 2 metres deep. Communal open spaces should be easily accessible for residents to enjoy, particularly when the internal living accommodation of the apartments would be compromised and limited, as already described.
15. None of the apartments have direct access to the communal outside amenity space. Occupiers would have to go out into the street, round to the side of the building and along the alleyway to access the space. The plans give no indication how the amenity space would be accessed off the alleyway, how it would be gated or secured, and how it would sit in relation to the access into the yard at the rear of No.180. The plans also indicate the amenity space would be located beneath the first floor overhang of the building and not open to the sky. These factors combine to indicate to me a poorly designed and contrived form of development with inadequate provision and access to outside amenity space. Whilst a public park is nearby and could provide future residents with opportunities for outdoor recreation, this does not compensate for lack of immediate outdoor space for sitting in or hanging out washing for example.
16. Coupled with the compact layouts of the apartments, the lack of natural light and inadequate provision of meaningful outside amenity space would create a poor living environment for future occupiers and harm their living conditions. Accordingly, the proposal would be contrary to CELP Policy SC3 and C&NRLP saved Policy BE.1. These collectively seek to ensure that new development does not prejudice the amenity of future occupiers, there is sufficient open space and that the layout and use is appropriate and creates opportunities for healthy living.

Highways

17. The application form indicates there would be provision for 3 off-street disabled car parking spaces. However, the submitted plans do not show any parking spaces for the proposed apartments. Nor is it clear why the proposed spaces would all be for disabled users. The proposed building would partly impede

access into the yard at the rear of No.180 as there is an existing brick boundary wall along the alleyway. It is therefore unclear how access to the yard and any existing parking for residents of No.180 would be retained. The site is also close to the junction with the busy Nantwich Road where there is restricted parking due to double yellow lines. Customers wanting to visit any of the retail/commercial premises on Nantwich Road would likely turn into adjacent streets like Swinnerton Street to park.

18. The appellant draws my attention to the site's proximity to a number of services and facilities, including a supermarket, bus stops, Crewe Railway Station and schools. These would be within recognised² reasonable and comfortable walking distances for most people. The development would also provide secure and covered cycle parking within the building. These measures would provide opportunities to promote walking and cycling and use of public transport and hence offer genuine choices of transport modes other than the car for access to day-to-day services and facilities. This in turn would help reduce congestion and carbon emissions. This is broadly in line with guidance in the National Planning Policy Framework.
19. Nonetheless, this does not prevent future occupiers owning a car, which would have to be parked on the surrounding streets because no on-site parking is provided. Furthermore, the proposal does not indicate how any loss of parking at the rear of No.180 would be accounted for or accommodated elsewhere. Nor do the plans show how any vehicular access to the rear yard of No.180 would be retained when the proposed building would encroach onto the yard opening and brick boundary wall. The appellant advises that it would be possible to dedicate 3 parking spaces on the 'blue land' to the rear of No.180. That as may be, but no measures have been put forward to secure this and no dedicated parking spaces have not been included within the red application site boundary.
20. I understand from third parties that parking can be problematic in the area and that the additional demand for on-street parking would exacerbate the situation. On my visit, albeit a snap-shot in time, I saw that Swinnerton Street and the adjacent residential streets currently provide unrestricted on-street parking. I can understand that at other times of the day the demand for on-street parking could well be greater.
21. The Highway Authority has not commented on the application. However, I am not satisfied that it has been demonstrated that any displacement of existing parking from No.180 and access to it has been properly accommodated for. Nor am I satisfied that proper consideration has been given to parking provision for the new development and that the potential demand for new on-street parking in an area would not compromise the amenity and safety of highway users, particularly as the site is located close to the junction with Nantwich Road and the alleyway.
22. As such, the proposal is contrary to CELP Policies SE1, SD1 and SD2 and C&NRLP saved Policy BE.3. These collectively seek, amongst other things, to strive for sustainable development, ensuring there is sufficient car parking and safe vehicular access to create satisfactory living environments.

² Taken from 'Providing for Journeys on Foot' published by the Institution of Highways & Transportation 2000

Other Matters

23. The external appearance of the building is generally in keeping with the architecture and style of the existing period properties in Swinnerton Street. If I was minded to allow the appeal, it would be possible to impose conditions requiring details of materials as well as detailing of doors, windows and rainwater goods. There would be some social and economic benefits from the provision of 3 market dwellings on a windfall site on previously developed land in an urban location. However, I am not aware the Council has a housing land supply shortage. The provision of a ground floor apartment for occupation by someone with mobility issues is laudable, but no measures have been put forward to secure this. The incorporation of photo voltaic/solar roof panels (although none are shown on the plans), triple glazing, underfloor heating and air-source heat pumps would provide environmental benefits and help reduce carbon emissions. However, none of the above measures, alone or in combination, would outweigh the harm to the living conditions of future occupiers or to highway safety.

Conclusion

24. Whilst I have found that the proposal would not harm the living conditions of existing occupiers of Nos.1 and 178, it would be unacceptable due to its adverse effects on the living conditions of future occupiers of the proposed apartments and to highway safety.

25. For these reasons the appeal does not succeed.

K Stephens
INSPECTOR