
Appeal Decision

Site visit made on 12 July 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Appeal Ref: APP/R0660/W/22/3295057

Land off Maw Green Road, Crewe CW1 4HH

- 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 The Directors of Schosween 9 Limited against the decision of Cheshire East Council.
 - The application Ref 21/3157N, dated 9 June 2021, was refused by notice dated 1 October 2021.
 - The development proposed is described as "erection of a 2-bedroom dormer bungalow and revised access road to create singular access to previously approved planning applications reference 18/0690N and 18/5442N (Resubmission of 21/0156N)".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The council refer to the emerging Site Allocations and Development Policies Document, September 2020 (DPD). The examination has concluded, and the Inspector's report has been published requiring Main Modifications to be made. I have been provided with a copy of both documents. I note that the Inspector does not require any main modifications to be made to Policy GEN 1, that is relevant to this appeal, therefore substantial weight can be given to this policy.

Main Issues

3. From the submissions, including no reference being made to it in the reason for refusal, it seems clear that the revised positioning of the access road was considered acceptable by the council and the appellant confirms that is their understanding. I have no reason to disagree. The main issues therefore are the effect of the proposed dwelling on (a) the character and appearance of the area, and (b) the living conditions of future occupants of the dwelling on plot 8, with particular reference to outlook.

Reasons

Character and Appearance

4. The character of the surrounding area is mixed. Between the site and Sydney Road, dwellings are sited so that their rear or side elevations face the road. Their plots are also enclosed with high walls, gates and fences positioned along the back edge of the pavement that creates an enclosing presence, with no meaningful connection to the rural environment. It contrasts with those developments around and beyond the junction of Maw Green Road and Ridding Drive where newer housing tends to be set back from Maw Green Road by

- grass verges and soft planting with principal elevations facing towards it, which creates a pleasant and open character.
5. The appeal site comprises part of an existing development of 9 dwellings that is under construction. The proposed dwelling would be sited on the corner of Maw Green Road and Ridding Drive and positioned in front of the dwelling under construction on plot 8. The proposed dwelling would be 1.5 storeys with a pitched roof with pitched roof dormers to both the front and rear roof planes. Its side elevation would face towards Maw Green Road, whilst its rear elevation would face towards Ridding Drive, in proximity to both boundaries. The proposed dwelling would be sited forward of the dwelling on the opposite corner of the junction (No 1 Ridding Drive) but would be sited behind the dwelling at No 9 Maw Green Road.
 6. The appellant has included windows within the side and rear elevations of the proposed dwelling to create an active frontage and passive surveillance. However, the ground floor windows would be obscured by the boundary treatments, with only the first floor windows visible. The first floor windows comprise a secondary bedroom window in the side elevation that would be impeded by the position of a bed and two en-suite windows in the rear elevation that are likely to be obscure glazed to maintain privacy, none of which would result in active surveillance nor create an active frontage.
 7. The dwelling would be 1.5 storeys in height and would be partially screened by the boundary treatments. However, due to its proximity to the boundaries and its siting forward of the dwelling on the opposite corner (No 1 Ridding Drive), it would appear visually prominent in the street scene when viewed from the new housing developments along Maw Green Road, causing harm to the open and spacious character of this junction. This character would be further eroded by the construction of a brick wall and piers with interspersed fence panels positioned along the back edge of the pavement and the erection of a gate across the access road.
 8. Concern has been raised that the proposed development is cramped and would result in an overdevelopment of the site. Having considered the proposed plot size and the ratio of footprint to it with others in the surrounding area, I consider that it would be consistent with other examples found in the area. Therefore, I do not find harm to the character and appearance of the surrounding area from the size of the proposed plot and I do not consider the proposed development would be cramped or result in an overdevelopment of the site.
 9. I have considered the appellant's "Residential and Visual Assessment" which was advanced in support of their case. However, for the reasons detailed above, I disagree with its findings.
 10. Whilst I do not find harm in respect of the development resulting in a cramped appearance or an overdevelopment of the site, it would erode the spaciousness of the Maw Green Road/Ridding Drive junction due to the proximity of the proposed dwelling to these roads and the presence of walls/fences/a gate adjacent to the back edge of the pavement. Therefore, the proposed development would harm the character and appearance of the area, contrary to Policies SD 2 and SE 1 of the Cheshire East Local Plan Strategy 2010-2030 (LP) and emerging policy GEN 1 of the DPD. My view in this respect is reinforced by the guidance in Volumes 1 and 2 of the Cheshire East Borough

Design Guide: A Supplementary Planning Document (SPD1) that, amongst others, seek to ensure there is a positive transition to the rural surrounding of a given area.

Living Conditions

11. The side elevation of the proposed dwelling would face the front elevation of the dwelling on plot 8. Within plot 8's front elevation, windows serve a study/day room to the ground floor and 2 bedrooms to the first floor. The side elevation to the proposed dwelling would contain a door and a ground floor side window to a porch. There is disagreement between the parties as to the separation distance between the dwellings, however, both parties agree that neither meet the 13.5m detailed within paragraph 3.9 of the Development on Backland and Gardens Supplementary Planning Document, July 2008 (SPD2).
12. The proposed dwelling would be sited on a lower ground level to the dwelling at plot 8, would be orientated 90-degrees to plot 8, and would comprise a dormer bungalow with a dual-pitched roof. Planting is proposed along the boundary shared between the two properties and details have been provided by the appellant as to how this would be achieved, which has not been disputed by the council. In respect of separation distances, SPD2 states that "each application will be judged on its own merits dependent upon the context and character of the site involved" and that "there may be occasions when these spacing standards can be reduced, depending upon the context and character of the site and its surroundings".
13. I consider that the scale and design of the proposed dwelling, together with the difference in ground levels and the proposed screen planting, is sufficient to ensure that a reduction in the separation distance in this instance would not harm the living conditions of the future occupiers of the dwelling on plot 8 from an overbearing effect.
14. I do not therefore find that the proposal would result in unacceptable living conditions of the future occupiers of plot 8. In respect of the second main issue, the appeal scheme would therefore comply with Saved Policy BE 1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SD 2 of the LP which amongst other things, seek to not prejudice the amenity of future occupiers or the occupiers of adjacent properties.

Conclusion

15. I have found for the appellant in regard to the second main issue and its compliance with the development plan. However, this would not be sufficient to outweigh my findings and subsequent conflict with the development plan in respect of the first main issue. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. For the above reasons, I conclude that the appeal should therefore be dismissed.

A Berry

INSPECTOR