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# Appeal Decision

Site visit made on 1 November 2022

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 December 2022**

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**Appeal Ref: APP/A0665/W/22/3300754**

**Side garden of 8 Princess Road, Allostock, Knutsford, Cheshire WA16 9LP**

- 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 Jason Dolby against the decision of Cheshire West and Chester Council.
  - The application Ref 21/03982/FUL, dated 21 September 2021, was refused by notice dated 7 April 2022.
  - The development proposed is described as 'Construction of a new single dwelling, a dormer bungalow'.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - Whether the proposal would provide a suitable site for housing with particular reference to its location and accessibility to local services and facilities.
  - The effect of the proposal on the character and appearance of the area.

## Reasons

### *Location and Accessibility*

3. Policies STRAT 1 and STRAT 2 of the Cheshire West and Chester Council Local Plan 2015 (Part 1) (LP1) provides a settlement hierarchy for the borough and seeks to focus development in the most sustainable locations, in order to minimise the loss of greenfield sites, protect the natural environment, and reduce the need to travel.
4. LP1 Policy STRAT 8 supports rural development that serves local needs in the Key and Local Service Centres. LP1 Policy STRAT 9 restricts development in the countryside subject to a number of specific exceptions. In doing so it lists the types of development that will be supported outside of identified settlements.
5. Policies R 1 and DM19 of the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (2019) (LP2) are also relevant. Policy R 1 treats development not located within identified settlements as within the countryside, where development will be determined in accordance with Policy STRAT 9. The explanatory text to Policy R 1 states that infill development is only supported in the identified settlements that are set out in

LP1 Policy STRAT 8. This supporting text also highlights that beyond the boundaries of the identified settlements, development, including infill proposals in villages and hamlets located in the countryside is not in accordance with the overarching sustainable strategy as set out in the LP1. LP2 Policy DM 19 also only supports development outside of identified settlements in certain circumstances.

6. The appeal site's immediate surroundings are residential. However, it is located within Allostock, which is not identified as a key or local service centre through LP1 Policy R 1, and for development plan purposes therefore falls within a countryside location. As the proposal is for an open market dwelling it also does not fall within any of the categories of acceptable development in the countryside listed in Policy STRAT 9, and there is little before me to find that it would satisfy any of the circumstances set out in LP2 Policy DM 19.
7. Furthermore, I could not locate any local services or community facilities such as shops, a post office, health centre or school on my site visit. The services provided within Allostock are therefore limited and unable to cater for the day-to-day needs of future residents.
8. It is also undisputed between the main parties that the nearest range of services and facilities are at Goostrey and Holmes Chapel, which are approximately 2.6 and 2.9 miles away respectively. Although I have been informed that there is a bus service to places including Holmes Chapel and Goostrey that stops outside of the appeal site, I do not have the full details of the times and frequency of these services before me. Moreover, the appellant accepts that this is not a practical way of travelling to employment or carrying out a family shop for the week, and I have no substantive reason to disagree.
9. I therefore find that the lack of facilities and services in the area would be very likely to result in future occupiers, especially the elderly or families with young children, relying heavily on the private car for the majority of their journeys. The potential increase in the use of electric vehicles over the next 15 years would not provide certain effective mitigation in this respect.
10. My attention has been drawn to a planning application for housing at Hills Garden Centre and a recent residential development on the edge of Northwich at Winnington. The appellant has also made reference to a 'land grab' along Wrexham Road in Chester. However, I have not been provided with the full details of these developments and on the evidence presented I cannot be certain that they represent a direct parallel to the appeal proposal.
11. Whilst I appreciate that the proposal would only be for 1 house, it would not meet the objectives of, and therefore undermine, the settlement hierarchy for the borough. It would also not fall within an acceptable category of development in the countryside, and its circumstances would not include any of those supported for residential development in the countryside under LP2 Policy DM 19.
12. As such I find that the proposal would not provide a suitable site for housing in respect of its location and accessibility to local services and facilities. It would thereby conflict with Policies STRAT 1, STRAT 2, STRAT 8 and STRAT 9 of LP1, and Policy R 1 and DM 19 of LP2, which amongst other things, seek to direct new housing to the most sustainable locations. It would also fail to actively manage patterns of growth to make the fullest possible use of public transport,

walking and cycling; as advised in paragraph 105 of the National Planning Policy Framework (the Framework).

### *Character and Appearance*

13. The appeal site comprises part of the side garden area to 8 Princess Road, which is located in a predominantly residential area that is characterised by a mixture of bungalows and 2 storey dwellings. The properties on the north-western side of Princess Road are laid out in a generally linear manner.
14. The submitted plans show that the proposal would not fill the width of the plot to such an extent as to appear cramped, or out of context with the predominant layout and pattern of development in the immediate vicinity. Nonetheless, it has been designed to incorporate both a front and side dormer window, within a steep Dutch hipped roof. The side dormer would be much wider and deeper than the proposed front dormer, and along with the roof would introduce bulk and dominance to the upper part of the proposed dwelling. As a result, the proposal would introduce an unbalanced and conspicuous form of development.
15. I have been made aware of the similarities in the design of the proposal and the previously approved house on the site (Ref: 14/03004/REM) and I am mindful that there are a number of hipped roof bungalows, infill dwellings, and other residential properties with front dormers along Princess Road. However, neither the previously approved scheme or any of the other examples referred to me have side dormer windows. As such, they are not directly comparable to the appeal proposal. The appellant's reference to examples of what he considers to constitute poor design in the locality are also noted, however I do not consider their presence to justify further harm to the area.
16. I therefore find that the proposal would cause material harm to the character and appearance of the area. As such it would conflict with LP1 Policy ENV 6 and LP2 Policy DM 3 in this regard. Amongst other things, these seek to provide high quality design that respects local character and protects the visual amenity of the local area. It would also fail to accord with the design objectives of the Framework in these respects.

### **Other Matters**

17. As already noted, I have had regard to a previous planning permission for a similar proposal on the site (Ref: 14/03004/REM) which I am informed was not built due to the appellant's health. Whilst I have sympathy for the appellant in this regard, this planning permission pre-dates the adoption of the current development plan. The circumstances of a lapsed planning permission granted under a different policy regime therefore carries little weight and does not outweigh the conflict with the adopted development plan.
18. I am mindful of the Government's objective of significantly boosting the supply of homes as referred to in the Framework. It has also been put forward that good quality sustainable design and construction techniques would be incorporated. These include measures such as ground or air source heat pumps. Nonetheless, as a single dwelling, the proposed development would make a contextually very small contribution to housing supply which, according to the uncontested view of the Council, appears to be in excess of the 5 years required by the Framework. Indeed, given the amount of proposed housing,

any benefits in all of these respects would be somewhat limited. In addition, only little weight can be attached to an appellant's personal circumstances for a proposal, particularly where development would be permanent. The considerations above therefore do not outweigh the harm that I have identified.

### **Conclusion**

19. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should be dismissed.

*Mark Caine*

INSPECTOR