



Appeal Decision

Site visit made on 4 January 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH January 2023

Appeal Ref: APP/A0665/D/22/3305567

53 Whitehall Drive, Hartford, Northwich CW8 1SJ

- 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 Chris Hadley against the decision of Cheshire West and Chester Council.
 - The application Ref 21/05047/FUL, dated 20 December 2021, was refused by notice dated 22 June 2022.
 - The development proposed is described as Extensions and Major Alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of proposed development provided in the header above is that provided on the application form. The description given on the Council's Decision Notice differs to this, ie two storey front extension, first floor side and front extension, single storey rear extension, part cladding and render finish, formation of new window openings and alterations to existing window and door openings. I have not been provided with any evidence that the appellant agreed to such a change. However, the appellant provides this description on the appeal form, stating that it does not differ to the description given on the application form. The appellant evidently accepts the description. Furthermore, it simply identifies in more detail the elements of the proposal, rather than there being any substantive difference. I have therefore made my Decision on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the original dwelling and the area; and
 - the effect of the proposal on the living conditions of occupiers of existing neighbouring properties.

Reasons

Character and appearance

4. The appeal property is a two-storey, detached dwelling with some mock Tudor design features, including an asymmetrical appearance, half-timbered boards on the upper sections of the house with render between the spaces (to appear

like stucco), and a gabled bay window extending over the two-storeys, located on one side of the property at the front. The other side of the property consists of a single-storey element which wraps around the front, projecting beyond the half of the front elevation that includes the gabled bay window. The property is also designed with half-hipped roofs. Except for the mock Tudor panels at first floor level, the external materials are red brick elevations, reddish-brown pantile roof tiles and mahogany coloured window and door frames, doors, gutters and down-pipes. The house sits within the centre of a good-sized plot with gardens to the front and rear.

5. The site is part of a residential development, Whitehall Drive, which forms part of a wider residential area. Many of the properties on the Whitehall Drive development are designed broadly in the mock Tudor style of the appeal property. Many of the other properties on the development are designed with arts & crafts style front gables. Nevertheless, they are also designed with an asymmetrical appearance, and their external materials of red brick, tiled roofs, mahogany coloured fenestration, gutters and down-pipes are consistent with the dwellings designed in the mock Tudor style. As such, the Whitehall Drive residential development has an overall distinctive and coherent character and appearance.
6. The proposed two-storey front extension would project around 6.6 m off the existing front elevation with a gabled design. It would be positioned broadly where the existing double storey gabled bay window is positioned. The gable would be wider than the existing bay. The roof ridge height would also be much higher, sited just below the main roof ridge height. This would contrast with the roof ridge of the existing gabled bay window, which sits well below the main roof ridge height and not much higher than the eaves. The depth, width and height of the gabled extension would make it much more prominent than the existing gabled bay window.
7. I acknowledge that a good number of the properties that make up the development have a double height gabled feature projecting off their front elevations. However, where these gables project into the front garden of these dwellings, they tend not to be as deep as the proposed two-storey gable. Additionally, as regards design and materials, a key feature of such gables is that they are designed and constructed with stone quoins. The design and external materials of the proposed front gable do not include stone quoins.
8. The proposed single-storey side and wrap-around front gabled extension would significantly alter the asymmetrical appearance of the dwelling. It would raise the roof ridge height to the height of the main roof ridge, thereby removing the variation in roof ridge and roof slope heights from the dwelling that exists at present. The appellant has drawn my attention to a decision of the Council to grant planning permission for a first-floor side extension at the site several years ago. Although the permission is no longer extant, the appellant cannot understand how the Council could now reach a different view on the proposed side/front extension than the view it reached on the approved application.
9. I appreciate that there are some strong similarities between the side extension previously approved and that currently proposed. However, I consider the proposed scheme taken as a whole differs significantly to that approved. For example, the approved scheme did not include a front gable extending over the garage with the side extension, nor did it include a two-storey gabled front

extension. Additionally, the scale of the approved extension was subservient to the original dwelling. Furthermore, the dwelling retained an asymmetrical appearance overall and the external materials would have matched the existing. As such, the mock Tudor character and appearance of the original dwelling would have been retained. Consequently, I consider that the approved scheme and the appeal proposal are not directly comparable.

10. As noted, the current proposal would introduce another front gable at first-floor level, the same width and same roof ridge height as the two-storey front gabled extension sited on the other side of the dwelling. I appreciate the appellant's intention to create symmetry on the front elevation. However, I note that the properties on Whitehall Drive that have two-storey front gables only have one such projecting gable which, along with other features, contributes to their overall asymmetrical appearance. Furthermore, it has been made clear that a key design feature of the existing dwelling, and other properties that make up the development, is their asymmetrical appearance.
11. Although the gable of the proposed side/front elevation would be set back several metres from the gabled two-storey front extension, removing the variations in roof ridge and roof slope heights and introducing a second gable matching the width and roof ridge height of the proposed two-storey gable, would obliterate the asymmetrical design of the original dwelling.
12. The proposed external materials would include cladding (composite or timber) on the elevations of the extensions at first-floor level; render on the ground floor of the proposed two-storey front extension, render on the upper floor of the existing and resultant side elevations, and zinc or steel cladding between the ground and first-floor windows on the elevations of the proposed two storey front extension. Additionally, the window and door frames would be black, and, although not specified on the application form or plans, the 3D sketches suggest the doors would also be black. Although some areas would include materials to match existing, the external materials that would be predominantly used would not be in keeping with the dwelling's existing external materials, nor those of the other properties on Whitehall Drive.
13. I accept the appellant's suggestion that external materials could be controlled by condition. However, it seems to me that the materials proposed are an integral element of the scheme. Regardless, even if the external materials were controlled by condition, I consider the design, siting and scale of the proposed two-storey front and side/front extensions would not be in keeping with the design of the original dwelling. Additionally, these extensions would be prominent additions to the original dwelling and would not be subservient to it. I disagree with the appellant's suggestion that, in this case, the addition of extensions that would not be subservient to the original dwelling would not be out of place within the context of the site. Furthermore, I consider the proposal overall would significantly alter, in a detrimental way, the character and appearance of the original dwelling. The proposal would also be out of keeping with the character and appearance of surrounding dwellings on the Whitehall Drive development. Consequently, I consider the proposal would also significantly harm the character and appearance of the area.
14. I therefore conclude that the proposal would not accord with Policy ENV 6 of the Cheshire West & Chester Local Plan (Part 1) Strategies Policies, (LP Part 1), Policies DM3 and DM21 of the Cheshire West & Chester Local Plan (Part 2) Land

Allocations and Detailed Policies, (LP Part 2), Policy BELD1 of Hartford's Neighbourhood Plan 2010-2030, (NP). Collectively, and among other things, these policies require proposals for residential extensions and alterations to be of high-quality design, to respect the character and appearance of the original dwelling and surrounding properties, to be subordinate to the original dwelling, and to protect the character and appearance of the area. Additionally, the proposal would not accord with design policies in the National Planning Policy Framework, (the Framework), which is a significant material consideration.

Living conditions - existing

15. The proposed 2-storey front extension would include 3 windows at first-floor level on its north-western facing elevation, 2 of which would be secondary windows serving a bedroom and the third would serve a dressing room. The proposed alterations to the dwelling would include inserting 2 additional windows at first-floor level on the existing north-western facing elevation, serving a bathroom and a laundry room.
16. From these windows it would be possible for occupiers of the appeal property to look over the private outdoor space to the rear of number 51 Whitehall Drive; at a distance that I consider would have a significant adverse impact on the privacy levels currently enjoyed by occupiers of the dwelling when using their private outdoor space.
17. Due to the way the respective dwellings are oriented towards each other, the said windows would be positioned at an acute angle to existing windows on the rear elevation of No. 51. As such, I am satisfied that the proposed windows would not result in any adverse loss of privacy to occupiers of No. 51 with regard to rooms served by windows on the rear elevation of the dwelling. Additionally, due to the distance the proposed windows would be from a conservatory that exists on the rear of No. 51, I am also satisfied that the proposal would not result in any adverse loss of privacy to occupiers of No. 51 with regard to use of the conservatory.
18. Due to the effect of the proposal on the privacy of occupiers of No. 51 in respect of private outdoor space, I consider the proposal would result in an unacceptable level of harm to the living conditions of the occupiers of No. 51. However, I must consider whether it would be possible for such harm to be overcome with the use of planning conditions. I am of the view that, should I have been allowing the appeal, suitable conditions could have been attached to the permission that would overcome the harm identified, such as a combination of obscure-glazing/non-opening/restrictive opening of the windows of concern.
19. For the reasons outlined, I therefore conclude that, subject to appropriate conditions should I have been allowing the appeal, the proposal would not have a significant adverse impact on the living conditions of the occupiers of No. 51.
20. The proposed first-floor side extension would increase the height of the existing south-eastern facing elevation of the appeal property, though no windows are proposed in this elevation. There is a habitable room window on the north western facing elevation of number 28 Whitehall Drive at ground-floor level. The elevations of the respective properties are, and would be, sited around 2.5 m apart. There is a fence around 1.8 m high sited along the boundary between the properties.

21. Although the proposed first-floor extension would alter the outlook from the said window and reduce the extent of light received to the room from the window, I consider the extent of change would be limited. The said window is a secondary window, the primary outlook from the room, and main source of outside light into the room, is located on the north-eastern facing elevation of the dwelling, providing outlook over the rear garden; the side elevations of the respective dwellings are already close to each other; the height of the existing side elevation at the appeal property is already higher than the window of concern; the existing boundary fence is positioned only around 1.2 m from the window and its height is higher than the cill of the window; and I have taken account of the orientation of No. 28 in relation to where the sun rises and sets. Due to these factors, I conclude that the proposal would not have any significant adverse impact on the living conditions of the occupiers of No. 28.
22. I therefore conclude that the proposed development would accord, in this regard, with Policy SOC5 of LP Part 1, Policies DM2 and DM21 of LP Part 2, and sub paragraph 130 f) of the Framework. These policies collectively, and among other things, require development not to have a significant adverse impact on the living conditions of occupiers of existing neighbouring properties.

Other Considerations, Planning Balance & Conclusion

23. The proposal would provide minor economic benefits, during the construction phase, and additional accommodation for the appellant's family. However, these considerations, neither individually or collectively, outweigh the significant harm I have found in respect of character and appearance of the original dwelling and the area.
24. Notwithstanding my conclusions regarding the impact the proposed development would have on the living conditions of occupiers of existing neighbouring properties, due to the significant harm I have found with regard to character and appearance of the original dwelling and the area, the proposal does not accord with the development plan as a whole. There are no other considerations, including policies in the Framework, that would lead me to conclude other than in accordance with the development plan. I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR