



Appeal Decision

Site visit made on 3 January 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2023

Appeal Ref: APP/A0665/W/22/3305194

135 Swanlow Lane, Winsford, Cheshire CW7 1JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs H Griffiths-Jones against the decision of Cheshire West and Chester Council.
 - The application Ref 21/04375/OUT, dated 25 October 2021, was refused by notice dated 3 August 2022.
 - The development proposed is demolition of existing garage and the erection of one residential two storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been made in outline with all matters reserved for future consideration. Two plans have been submitted, the original plan and amended plan. Both show a point of access to the site, but all details, including access and the layout of the proposed dwelling, are for illustrative purposes only. As such I have treated both plans accordingly.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the statements of both main parties that the description was altered during the consideration of the planning application to remove reference to a two-storey dwelling. The alteration to the description removes the consideration of scale and is therefore appropriate for an outline application. Moreover, the Council dealt with the proposal on this basis and so shall I.
4. The application site address set out above is also taken from the application form. Notwithstanding that that address was also changed by the Council to refer to land at Russell Road. I have used the address from the application form as the location of the site is clear from the plans.
5. The appeal site is located within the area covered by the Winsford Neighbourhood Plan (Neighbourhood Plan), is identified as within a housing area but is not designated as land for development. The existing dwelling is within the Swanlow Lane Area of Special Character (Policy I4). The Neighbourhood Plan was adopted in 2014 following a local referendum and both main parties have included it in evidence. In accordance with the National Planning Policy Framework (the Framework), I have therefore considered the Neighbourhood Plan alongside the other parts of the Development Plan in making my decision.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site is the donor property at 135 Swanlow Lane (No. 135) and its "L" shaped rear garden which has vehicular access off Russell Road. The houses on Swanlow Lane, near the site are large detached and semi-detached properties. Russell Road is a secondary road with single storey dwellings on one side. On the opposite side of Russell Road is one single storey dwelling and the rear gardens of houses on Swanlow Lane. Only part of Russell Road is surfaced, at the end of the surfaced section is an unmade track which serves as vehicular access to the rear of a number of properties and to the front of three others.
8. The character of the area is mixed with varied dwelling sizes, types and designs and in varied plot sizes. This was evident from my site visit and as shown in the photographs and location plan sent by the appellant. There are dwellings, such as the immediate neighbours either side of No. 135, which have long and narrow gardens, and dwellings with much smaller gardens, such as the single storey dwelling adjacent to the site. The appeal site is larger in plot size than that single storey dwelling. Furthermore, it is clearly large enough to accommodate a dwelling, garden and drive whilst also retaining sufficient garden for No. 135, as shown on the indicative layouts submitted. However, the plot size is not substantially larger than others associated with the larger houses on Swanlow Lane.
9. Furthermore, the photographs and plan submitted, and the evidence from my site visit, show that the houses in the area predominately face the roads. There is some variety in the distance of the set-back but most have frontages which are clearly viewable from the road, not set behind other development. Moreover, most are in groups with similar building lines. None of the photographs submitted show development of a similar shape and position to the appeal site. Any sited dwelling on the appeal site would therefore be out of context with this built form and character.
10. The properties referred to by the appellant as being set back from the unmade section of Russell Road have their frontages on Cherry Crescent. They have rear access off the unmade section of Russell Road, to rear gardens and garages. However, the frontage of these houses is on Cherry Crescent and as such these are in keeping with the context of the area. Three other properties front the unmade section of Russell Road (No.'s 23, 25 and 27), but these are not set back from the road as far as the appeal proposal. As such none of the existing properties on Russell Road, including those with rear access off it, are the same as the appeal proposal.
11. The appellant has drawn my attention to 4 new houses, 2 of which front onto Swanlow Lane and the other two are set behind. The context of these 4 is different to the appeal proposal. The 2 behind, albeit not accessed off Russell Road, do follow the building line set by the houses facing onto the unmade section of Russell Road. Moreover, the plot these 4 have been built on was much larger than the appeal site.

12. I acknowledge that the appeal proposal is for outline planning permission and only indicative layouts have been submitted. However, the shape and position of the site are constraints to any future reserved matters applications. The site has a narrow driveway frontage to Russell Road due to the adjacent garages, which are not within the appellant's ownership.
13. Moreover, the two indicative layouts, superseded and amended, show two very similar layouts. Any dwelling on this site would need to be set back behind the existing garages on Russell Road. This would result in a development of a different context to the surrounding built form. There is limited opportunity, due to the site constraints, to design a substantially different layout to those indicated. Therefore, limited opportunity to develop the site in a way that would respect the character and appearance of the area.
14. As such, although the development of the appeal site would not result in a disproportionate loss of garden land, it would cause unacceptable harm. The appeal proposal would result in a form of development, by reason of it being set behind other existing buildings and with a limited road frontage, that is not in keeping with the character of the area.
15. The Council have commented that the loss of trees would also adversely affect the character and appearance of the area. However, only one tree, T3 (Sycamore), is shown to be removed (drawing 02A within the Tree Solutions Arboricultural Impact Assessment reference 22/AIA/CHE(W)/426, dated June 2022). Furthermore, this tree does not need to be removed to enable the development, as shown on the amended layout plan. As I have already found that the development would result in harm to the character and appearance of the area, by reason of the plot shape and position, the loss of the tree does not alter my decision.
16. For the reasons given above I therefore find that the development of the appeal site would harm the character and appearance of the area contrary to Policy ENV6 of the Cheshire West & Chester Council Local Plan Part One: Strategic Policies and Policies DM3 and DM19 of the Cheshire West & Chester Council Local Plan Part Two: Land Allocations and Detailed Policies which all seek to ensure development respects and positively contributes to the character of an area.
17. The development would also be contrary to policies I4 and H4 of the Winsford Neighbourhood Plan 2014 which, amongst other matters, aim to ensure that development enhances the characteristics of the Swanlow Lane Area of Special Character, requires new development to positively integrate into the wider town and avoid 'dead' edges onto streets.

Other Matters

18. The appellant has made reference to another planning application, 22/00268/FUL, which proposes 2 detached dwellings. The appellant considers that this other application would have a greater impact but would also, alongside the appeal proposal, improve the area. The Council have advised that, at the time of writing, this other application has not yet been determined and as such it does not influence my decision on the appeal proposal.
19. The appellant has also drawn my attention to Policies STRAT 1, STRAT 2 and STRAT 6 of the Local Plan Part 1. These policies support sustainable

development; the development of Previously Developed Land (PDL); and set the strategic development for the local authority area and for the town of Winsford. The appellant has also referenced Section 5 and Policy W1 of the Local Plan Part 2 which provides more detail on the development of sites within Winsford. However, as I have found harm to character and appearance, and, as a domestic garden, the site is not PDL, the development does not comply with these policies or the development plan as a whole.

Conclusion

20. For the reasons given above I have found that residential development of the appeal site, by reason of its position, would not be in keeping with the existing character and appearance of the surrounding area. The development would be contrary to the development plan as a whole, including the Winsford Neighbourhood Plan, and the Framework. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.

21. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR