



Appeal Decision

Site visit made on 4 April 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/A0665/W/22/3313483

Wychfield House, Plough Lane, Christleton, Chester CH3 7BA

- 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 Prescott against the decision of Cheshire West & Chester Council.
 - The application Ref 21/03057/FUL, dated 13 August 2021, was refused by notice dated 24 June 2022.
 - The development proposed is erection of one dwelling with detached garage and new access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the application, the detached garage was deleted from the scheme and it was assessed on the basis of the new dwelling and access only.

Main Issues

3. The main issues in this appeal are the effect of the development on the character and appearance of the area and existing trees subject to a Tree Preservation Order (TPO).

Reasons

Character and appearance

4. The appeal site is located to the side of the host property, which is a detached dwelling in an area of similar properties. The locality is residential in nature.
5. The site lies within the pleasant residential setting of Plough Lane. There is not a consistent architectural approach to the design of the dwellings within the locality, but the area is typically characterised by large, detached dwellings mostly set within large and spacious residential garden plots. The large houses are spaciouly sited within well-stocked residential garden plots, many with substantial hedge, shrub and tree planting. Together, these features imbue the area with an overriding sense of being a pleasingly neat, spacious and verdant residential setting.
6. The proposed dwelling's siting would be at odds with the prevailing built form and layout of the area and, thus, its spacious character. Subdivision of plots are not particularly evident or common features of the locality.

7. The proposed dwelling's garden area, and the remaining garden area associated with the host dwelling would be noticeably smaller than those of many within the area.
8. However, the proposal would insert a new dwelling into that smaller site in a manner not typical of the area as a whole. Its significant physical presence, within an area of private garden areas largely devoid of such large built structures would be incongruous and erode the prevailing, spacious setting and character of the locality.
9. More significantly, because of the expanse of the garden plots and absence of significant built structures within them, the proposal would fail to reflect the prevailing character and appearance of the locality with a location and setting incongruous within its surroundings.
10. I am of the view that amount of built form and site coverage would be out of keeping with the prevailing pattern of development in the area. A dwelling in this location would erode the "feel" to this immediate locality. As a result, I find that the proposed dwelling would be harmful to the character and appearance of the area and would not reflect the pattern of development in the context of which it would be viewed.
11. The impact of the appeal proposal would result in harm to the character and appearance of the area. The harm would be by virtue of the size and dimensions of the proposal, when set into the proposed site, would appear "shoe-horned" into the location. This aspect of the proposal would emphasise the incongruous appearance of the proposal within its immediate visual context, unbalancing the rhythm of the locality and would be harmful to the established character and appearance. The proposal would therefore not reflect the character and appearance of the area.
12. I find that the proposed dwelling would be at odds with the character and appearance of the area. The subdivision of one of the large plots and the addition of another dwelling in a smaller plot would be an incongruous addition and look out of place when seen in the context of the locality and would significantly reduce the spacious qualities of the area and have a harmful effect upon its character and appearance.
13. In light of the above, I have formed the view that the amount of built form and site coverage, and the subdivision of the plot, would be out of keeping with the prevailing pattern of development in the locality. A dwelling in this location would erode the spacious feel to this immediate locality. This would be apparent when viewed from the public highway. As a result, I find that the proposal would be harmful to the character and appearance of the area.
14. I therefore find conflict with Policy ENV6 of the Cheshire West and Cheshire Local Plan Part One (the LP1) and policies DM3 and DM19 of the Cheshire West and Cheshire Local Plan Part Two (the LP2) which, amongst other matters, would expect development to respect local character and achieve a sense of place through appropriate layout and the creation of new dwellings on garden land will only be supported where this does not result in a disproportionate loss of garden land or cause unacceptable harm to the character of the area.

Effect on TPO trees

15. The appeal site is subject to a Tree Preservation Order for a number of trees, and previous applications have been made to carry out works at the site. The key issue is with regard to a mature red oak tree which, according to the supporting information has the designation of T5. A secondary oak tree is also designated as T1.
16. While the appellant contends within his Arboricultural Impact Assessment (AIA) that the proposal would not detrimentally affect the Root Protection Areas (RPA) of these two trees, and the detached garage has been removed from the scheme. I also note that the Council have no objection to the works proposed in order to protect the trees during development
17. I understand from the evidence in front of me that since the application was refused, a subsequent TPO application has been submitted to the Council to fell the T5 tree.
18. I find that given the proximity of the trees to the dwelling, driveway and parking area there is the potential for those trees to potentially produce leaf litter onto the driveway and parked cars, as well as give concern for risk to life at times of high wind, they are likely to come under threat for considerable pruning or felling by occupiers of the dwelling, regardless of the outcome of the TPO felling application.
19. Consequently, if the two trees were to be removed or reduced following pressure on the Council from the occupiers of the new dwelling, the verdant qualities of the appeal site would be permanently eroded.
20. Therefore, taking a precautionary approach, I conclude that the proposal would not meet the aims of policy ENV3 of LP1 and policy DM45 of LP2 which, amongst other matters, expect development to conserve, manage and enhance existing trees.

Other Matters

21. The appellant has forwarded a number of proposals that support the case for the scheme. I do not have full details of these, and I am unable to observe the reasoning behind these proposals or evaluate the context. I can therefore only attribute limited weight to this argument and must determine the appeal on its own merits.
22. The appellant has also referenced a fallback position for an outbuilding that has extant permission. Whilst that remains an option, it is for a building that is not designed to be a separate dwelling and the usage would not be to the same level, as well as the design and impact being different. If the appellant wishes to construct that approved structure, there is no restriction on him doing so, provided it meets all the relevant criteria.

Conclusion

23. For the reasons given above and having had regard to all matters raised, I conclude that that the appeal should be dismissed because of the conflict with the development plan and there being no material considerations which indicate that a decision should be made other than in accordance with the development plan.

Paul Cooper

INSPECTOR