



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/D/23/3314923

33 Church Lane, Upton, Chester CH2 1DJ

- 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 Neil Zarac against the decision of Cheshire West & Chester Council.
 - The application Ref 22/02567/FUL, dated 7 July 2022, was refused by notice dated 6 December 2022.
 - The development proposed is detached garage to front of house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property is a two-storey detached dwelling in an area of detached properties. The locality is predominantly residential in nature. The properties are generally set back from the highway with combinations of spacious front gardens and parking areas.
4. The setback from the highway contributes positively to the spacious character of the area. The proposed garage would be set back just off the front boundary and therefore forwards of the predominant building line, and although there would be some screening from the existing vegetation, I find that the overall size of the garage would present a prominent structure to the front of the property, and close to the boundary and would therefore be an unsympathetic addition to the immediate street scene. Furthermore, it would be at odds with the prevailing character due to its position forward of the building line.
5. Whilst the materials and design seek to reflect the character of the dwelling, those matters do not mitigate for the impact on the character of the street frontage arising from the unsympathetic location of the structure, as described above.

6. The appellant has brought to my attention other properties that benefit from garages to the front of the dwellings, however it is unclear when these garages were built and no details of any planning permissions for the garages have been provided. I also do not have details of the context. I must assess the proposal on its own merits.
7. The proposed garage would be in a prominent position and would significantly reduce the openness and available space to the front of the dwelling in contrast to the generally spacious feel of the area harming the character and appearance of the area.
8. For the reasons given, the proposed garage would cause harm to the character and appearance of the area. The proposal would therefore be contrary to Policies DM3 and DM21 of the Cheshire West and Cheshire Local Plan, which, amongst other matters, requires development to contribute positively to the character of the area and be sympathetic to the characteristics of the development site and its surroundings.

Conclusion

9. For the reasons given above and having had regard to all matters raised, I conclude 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