



Appeal Decision

Site visit made on 25 July 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/A0665/D/23/3320406

The Old Paddock, Lydiate Lane, Willaston, Neston CH64 1RT

- 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 R Oates against the decision of Cheshire West and Chester Council.
 - The application Ref 22/03782/FUL, dated 3 October 2022, was refused by notice dated 23 March 2023.
 - The development proposed is the erection of a double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the area.

Reasons

3. This appeal concerns a detached dwelling located within a predominantly rural setting, the character of which is created largely by the narrow highway, verdant features of the area and generous sense of space around the built form. There is however a mix of old and new properties, with the appeal dwelling clearly read as part of a recent housing development. The set back position of the appeal dwelling and the similar adjacent property, and their subsequent open expanse of hardstanding to the front, is a key unifying feature of both and contributes positively towards the spaciousness along this stretch.
4. The proposed garage would be sited forward of the appeal dwelling, close to the boundary walls, in the large area of hardstanding to the front of the property. The guidance within the Cheshire West and Chester Council Supplementary Planning Document: House Extensions and Domestic Outbuildings (January 2021) (the SPD) sets out in a general guide that in order to be considered subordinate, and small in scale, outbuildings should not increase the size of the original dwelling by more than 30 per cent.
5. The host dwelling is of a generous size, scale and massing. I acknowledge that, when assessed against the size of the host dwelling, it would be a subservient and relatively modest outbuilding with particular regard to floorspace, in quantitative terms. However, the SPD goes on to make clear that outbuildings should not be positioned between the house and a road unless this is characteristic of the area or it can be clearly demonstrated that it would not be harmful to visual amenity.

6. Despite its subservient floorspace, the proposal would nevertheless have a substantial footprint in itself, being able to accommodate two vehicles. This along with its prominent positioning to the front and overall generous massing would cause it to clearly dominate the dwelling and appeal site. Its low-profile roof would do little to address this. In this respect it would fail to be a visually subservient addition to the appeal dwelling and the site by virtue of its overall siting, scale and mass.
7. Furthermore, on approaching the appeal site along Lydiate Lane from the south west there is a sense of spaciousness due to the set back positioning of the appeal dwelling, the similar adjacent property and the property sited across Holmeswood Mews, which appears to be known as Lydiate Cottage. Even if the built form at Lydiate Cottage comprises an outbuilding forward of the main dwelling, there is nevertheless a generous amount of space to the front which contributes positively to the character of the area. The proposal would erode the space to the front of the appeal site, and this incongruous siting of built form would be readily apparent from the public realm and detract from the wider setting.
8. I note the constraints of the appeal site mean there would likely be no other place for a garage to be sited. The evidence does however suggest that the appeal property previously comprised a garage. Nevertheless, this matter does not outweigh the harm which the proposal would create.
9. Accordingly, the proposal would cause harm to the character and appearance of the area and would therefore conflict with the collective aim of Policies DM3 and DM21 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies of requiring proposals to respect the character and appearance of the building and the wider setting.
10. It would also fail to accord with the design guidance set out in paragraph 130 of the National Planning Policy Framework which seeks to ensure developments are sympathetic to local character, along with the guidance in the SPD as set out above.

Other Matters

11. I note that the Council determined that the proposal was not inappropriate development in the Green Belt. I concur with this view. The Council then, however, went on to state that it would result in harm to the openness of the Green Belt and that no very special circumstances exist to outweigh the substantial weight which that harm amounts to.
12. As I have outlined above, the proposal would dominate the main dwelling and detract from its setting. I have not considered its specific effect on the openness of the Green Belt as this is a separate matter which does not require an assessment to be made in the circumstances where the proposal is not inappropriate development in the Green Belt. Moreover, this does not form part of the Council's reason for refusal.
13. The Council's handling of the planning application is not a matter for me within the context of this appeal.

Conclusion

14. The proposal conflicts with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison

INSPECTOR