



Appeal Decision

Site visit made on 30 January 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal Ref: APP/A0665/W/23/3326729

Jacoranda, Penny's Lane, Rudheath, Northwich, Cheshire CW9 7RL

- 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 Mr B Prescott against the decision of Cheshire West and Chester Council.
 - The application Ref 22/02752/OUT, dated 16 July 2022, was refused by notice dated 28 June 2023.
 - The development proposed is the erection of three detached dwellings with associated access, car parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been made in outline with access, layout, and scale for consideration at this stage. Therefore, the appearance of the proposed dwellings and landscaping as shown on the submitted drawings have been regarded as indicative. I have determined the appeal on this basis.
3. The appellant has provided an Acoustic Survey and Assessment with the appeal documents. The Council has confirmed that this document overcomes its objections regarding the impact of noise on the living conditions of future occupiers and that it does not wish to defend the second reason for refusal. I have been presented with no substantive evidence that would lead me to disagree. I have therefore focused on the first reason for refusal in my reasoning below.
4. The Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023 on which the main parties have been given the opportunity to comment. For the avoidance of doubt, where reference is made in this decision to paragraph numbers, they are taken from the latest version of the Framework.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the setting of the Trent and Mersey Canal Conservation Area.

Reasons

6. The appeal site is a wedge-shaped parcel of land that forms part of the garden of a linked detached dwelling. It is located at the junction of Penny's Lane and

the A530. Whilst enclosed by hedgerows and fences, the site, together with the Trent and Mersey Canal that lies on one side of the A530 and the green, bunded land on the other side, provides a sense of openness that offers visual relief from its built-up surroundings. In this regard, the appeal site enhances the street scene and positively contributes to the character of the area.

7. Penny's Lane, from which the proposed dwellings would gain access, is characterised by residential properties of mixed styles, sizes and forms. Some properties that are sited at right angles to the road are located close to the pavement. However, the majority of properties face Penny's Lane and are set behind landscaped front gardens in a regular alignment, resulting in a spacious open character. This includes a row of dwellings that extends to the appeal site. Such properties form a key component of the streetscape within which the appeal proposal would be viewed.
8. The proposed dwellings would have a staggered layout and would be sited closer to Penny's Lane than the adjoining row of properties. As such they would not respect or maintain their strong, regular alignment. In addition, unlike the adjoining properties, a large extent of the area in front of the proposed dwellings would be hard surfaced, creating a hard edge which would be at odds with the prevailing character. Furthermore, the proposal would extend the built form much closer to the junction. Consequently, the existing openness and spaciousness would be eroded to the detriment of the character and appearance of the area.
9. The width of plots 1 and 2 would be narrower than the adjoining linked detached dwellings and others on Penny's Lane, and all the dwellings would be sited closer together. This would result in a development that would appear unusually cramped relative to the size of the adjoining plots, notwithstanding that the proposed density of development would be comparable to the wider area.
10. Overall, the proposal would not sit well with the established pattern of development of the immediate area and would appear as an intrusive and discordant addition to the street scene to its detriment.
11. The appeal site is separated from the Trent and Mersey Canal Conservation Area (CA) by the A530. The significance and special interest of the CA is largely derived from its industrial importance and special interest. The area adjoining the CA is predominantly residential and in this context the introduction of further dwellings would not affect its significance. Nonetheless, this is a neutral factor that does not outweigh the harm that I have found.
12. I therefore find that the proposal would harm the character and appearance of the area. As such, it would be contrary to Policy ENV6 of the Local Plan (Part One) Strategic Policies, and Policies DM3 and DM19 of the Local Plan (Part Two) Land Allocations and Detailed Policies. Amongst other things, these policies seek to secure high quality design that respects local character and protects the visual amenity of the local area. The proposal would also be contrary to paragraph 135 of the Framework which seeks to ensure that developments are sympathetic to local character, including the surrounding built environment.

Other Matters

13. The proposal would contribute towards the Government's aims of boosting the supply of housing and making an effective use of land, as set out in the Framework, in a location that has good access to services and facilities. Nevertheless, these benefits attract limited weight due to the modest quantum of development under consideration and would not, in my judgement, outweigh the harm to character and appearance and associated policy conflicts that I have identified.
14. I acknowledge that the Council is satisfied that the proposed dwellings could accord with the Nationally Described Spatial Standards and that the garden sizes would accord with the Council's standards. However, these are neutral factors that do not weigh in favour of the proposal.
15. I have had regard to the highway safety concerns raised by an interested party but as I am dismissing the appeal, I have not pursued this matter further.

Conclusion

16. For the reasons set out above, having considered all the policies drawn to my attention, I concluded that the proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
17. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR