



Appeal Decision

Site visit made on 5 January 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12.02.2024

Appeal Ref: APP/A0665/W/23/3330432

4 Curzon Park North, Chester, CH4 8AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Richard Huxley against Cheshire West and Chester Council.
 - The application Ref 23/02462/FUL, is dated 2 August 2023.
 - The development proposed is demolition of existing side extension and garage, erection of two storey side extension, replacement garage and accommodation above, alterations to windows and doors.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing side extension and garage, erection of two storey side extension, replacement garage and accommodation above, alterations to windows and doors at 4 Curzon Park North, Chester CH4 8AR in accordance with the terms of the application, Ref 23/02462/FUL, dated 2 August 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing First Floor - PL-005; Existing Front and Side Elevation - PL-006; Existing Rear and Side Elevations - PL-007; Existing Block Plan - PL-002; Location Plan - PL-001; Proposed First Floor - PL-009D; Proposed Front and Side Elevations - PL-010D; Proposed Rear and Side Elevations - PL-011E; Proposed Block Plan - PL-003; Proposed Site Plan - PL-016; Existing Cellar and Ground Floor - PL-004; and Proposed Cellar and Ground Floor - PL-008 D.
 - 3) The materials to be used in the construction of the external surfaces (walls and roof) of the development hereby permitted shall match those used in the existing dwelling. Prior to their use in the development hereby approved, details of the windows and doors shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in complete accordance with the approved materials.
 - 4) Prior to the first use of the balcony area hereby approved, a continuous, opaque and unbroken screen shall have been erected to a height of 1.8 metres above the finished floor level of the balcony area, along the entire length of the east facing side elevation of the balcony area, which is

obscurely glazed to a minimum Pilkington Privacy Level 3 or equivalent, and the screening shall thereafter be retained as such.

- 5) Prior to the first occupation of the extension hereby approved, the extension hatched in red on Drawing No. PL-008 Revision D shall be demolished in its entirety and all associated materials shall be removed from site.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the Council's validation letter as it more fully, and accurately, describes the proposal before me than the description provided in the planning application form.
3. The appeal is made following the failure of the Council to give notice of their decision on the application within the statutory period. The application was a duplicate of an application (ref. 21/05055/FUL) that was approved by the Council's Planning Committee on 6 June 2023, subject only to conditions set out in the Officer report. It was not clear from the evidence why the Council had failed to issue the decision notice for this application and clarification was sought on this matter, and provided by the Council. The appellant has been given the opportunity to respond, but there appears disagreement between the parties regarding the events and reasons for them.
4. A revised National Planning Policy Framework (the Framework) was published in December 2023. No substantive changes were made to Section 16: *Conserving and enhancing the historic environment* and I am satisfied that the changes made to the Framework are not pertinent to the present householder appeal. It is not therefore necessary to seek further comments from the parties on the revised Framework in this case.

Main Issue

5. From the evidence that is before me, the main issue in this case is the effect of the proposed extensions on the character and appearance of the host dwelling, and on the Curzon Park Conservation Area.

Reasons

6. No.4 Curzon Park North (No.4) is a two-storey detached dwelling located to the north of Curzon Park North within the Curzon Park Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Further, the guidance in paragraph 205 of the Framework is that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The CA extends south from the banks of the River Dee, either side of the Grosvenor Road (A483). To the west side of Grosvenor Road, the CA is characterised by large, suburban villas set in spacious grounds within a well-established and verdant setting. I observed that Curzon Park North is characterised by predominantly Victorian or Edwardian villas, which have a variety of architectural styles and have, in cases, been altered and extended. The significance of the CA is derived, in part, from the relationship of these

villas to the River Dee, with gardens on the north side of Curzon Park North extending to its edge and there are long views toward them across Chester racecourse from Nuns Road.

8. No.4 itself is an attractive Victorian villa with a double gable to the front elevation (to Curzon Park North), with distinctive finials, a partially open porch and single bay window under a slate roof. The rear elevation (to the River Dee) is simple, broadly symmetrical, with a veranda running its width. To the front is an existing single storey triple garage, with hipped roof, which is set forward of the main dwelling. It is proposed to demolish this existing garage and replace it with a three bay garage, with accommodation within the roofspace, which would be linked to a proposed two-storey side extension.
9. The guidance in the Council's *Supplementary Planning Document: House Extensions and Domestic Outbuildings* (2021) (SPD) is that side extensions of similar height to the existing dwelling will be supported where they are subordinate to the main building. The proposed two-storey side extension has been designed with a facing gable to the front which aligns with the existing double gable of the host dwelling, and the first floor has a minimal set-back from the principal elevation. A glazed link building is proposed between this extension and the replacement garage, so extending forward of the original building line of No.4. There is, therefore, some conflict with the guidance in the SPD that the front elevation of a first floor side extension should be set back at least 1m from the main part of the front wall of the host dwelling.
10. However, at first floor, the proposed extension has been off set from the side boundary of No.4 (by 1m) and the ridge height would be much lower than the main roof of the original dwelling. Although extending forward of the original building line, the use of the glazed link means there would be a clear visual break, and break in form, between the proposed side extension and garage. Further, the proposed side extension has been offset from the original rear elevation by 1m and offset further at first floor behind a small terrace. Both the ridge and eaves of the proposed pitched roof would be lower than the main dwelling and the simple form, composition and symmetry of the original rear elevation would still be appreciable, important in longer view towards No.4 over Chester racecourse. For these reasons, the front and rear elevation of the proposed side extension would appear a proportionate and sympathetic addition, subordinate to the host dwelling.
11. In addition to the planning application approved by the Council's Planning Committee in June 2023, planning permission was also granted by the Council in August 2020 (ref. 20/01476/FUL) for the demolition of the existing garage and its replacement with a 3-bay garage with first floor accommodation and dormers. The appellant's evidence is that this permission is extant and, whilst I have no substantive evidence to confirm this, the information that I do have is that this scheme is very similar to the one now before me, and was previously found acceptable by the Council when assessed against the same policies of the Chester West and Chester Local Plan Part 1 (2015) and Part 2 (2019).
12. The proposed replacement garage would project toward Curzon Park North along the common boundary with No.4's neighbour, The Coach House. It would accommodate 3no. parking bays, a bedroom, dressing room and ensuite above, and three dormer windows. The ridge of the main roof of the garage, and the ridge of the dormers, would broadly align with the height of the eaves

- of the double gable of the principal elevation of No.4. Although it would be wider than each gable, its height means it would appear subordinate in scale to its host, and, as described above, the glazed link would provide a visual break between the garage and proposed side extension.
13. From the east, although the double gable of No.4 can be seen, the proposed garage would largely be hidden by the two-storey gable of The Coach House and its single storey gable extension which projects closer to Curzon Park North than the proposal. Also visible within the streetscene from the east, is the ridge and roofplane of No.6a Curzon Park North which, whilst a separate dwelling, has a similar arrangement to No.4, with the two-storey wing projecting forward of the principal elevation of No.6. From the west, the length of the proposed garage and the dormer windows would be visible within the streetscene, but, for the reasons given, would appear subordinate to the host dwelling and would be viewed within the built envelope of the The Coach House behind.
 14. The modest single-storey hipped roof of the existing garage would be replaced with a two-storey gable facing Curzon Park North which would be prominent from the Curzon Park North, Curzon Park South junction (which is broadly opposite No.4) despite landscaping on the front boundary. The scale of the gable (and projection of the garage) would inevitably increase the overall massing of No.4, but I do not find this to be at odds with the prevailing character of the streetscene, which comprises substantial properties, of various architectural design and styles many of which, I observed, have been altered or extended. The characteristic double gable, with distinct finials, of the original dwelling would still be prominent and therefore the legibility of No.4 as a Victorian villa would remain.
 15. The Local Plan (Part 2) (at paragraph 12.21) (LP2) recognises that restricting the size of new development within the curtilage of a dwellinghouse will help maintain the character and appearance of the original buildings and their surroundings. As a 'general guide' it states that '*subordinate and small scale extensions/outbuildings should not increase the size of the original dwelling by more than 30 per cent.*' From the evidence before me, there does not appear to be any dispute that cumulatively the proposed side and garage extension would exceed this figure. However, recognising this is only a 'general guide,' for the reasons given above, I am satisfied that the proposal would remain subordinate in appearance to its host. It would assimilate well within the immediate context of large villas on the north side of Curzon Park North, as well as the wider CA.
 16. I therefore conclude on the main issue that the proposals would not cause harm to the host dwelling and would preserve the character and appearance of the streetscene and the Curzon Park Conservation Area. In the absence of harm to the CA, there is no requirement to engage paragraph 208 of the Framework. Consequently, the proposals would accord with LP2 Policies CH5, DM3 and DM21 because the proposal has been sensitively designed having regard to its location (within a CA) and the resulting development would be in keeping with the character and appearance of the original dwelling and surrounding properties, and the wider setting. It would further accord with Policies ENV5 and ENV6 of the Local Plan (Part 1) and LP2 Policy DM46 because it would be a high quality design which respects local character and respects and responds positively to the CA, a designated heritage asset, preserving its significance.

Other Matters

17. I have given careful consideration to the objections made to the planning application and I have dealt with matters relating to design, over-development and harm to the CA within the main body of this decision letter.
18. In respect of residential amenity, I observed on my site visit that to the rear of the neighbouring dwelling, The Coach House, is a large first floor terrace accessed from patio doors within the gable. The proposed first floor side extension to No.4 would project beyond this terrace, but I note from the Proposed First Floor Plan drawing (ref. PL-009D) that it would not breach a 45 degree angle when taken from the centre point of the nearest window (the patio doors), assumed to serve a habitable room. This room would therefore continue to benefit from an acceptable level of natural light and outlook.
19. The terrace is enclosed by railings and I also observed that it has an outlook toward and over No.4, particularly the patio area to the side of the dwelling. This outlook would inevitably change once the proposed extension was built, but given its first floor would be offset from the common boundary, it would not appear particularly overbearing and the terrace would still retain its principal outlook toward the River Dee and Chester racecourse.
20. To the rear elevation of the proposed side extension to No.4, a small first floor balcony is proposed which would be enclosed by railings inset from the flank elevation facing The Coach House. Because of this inset, and the minimal depth of the balcony (just over 1m), there would be limited overlooking back toward the terrace of The Coach House. It is accepted, however, that the introduction of a balcony would increase overlooking to the west, toward the rear of The Coach House, over that normally associated with first floor windows. In this regard, I note that the Council, in their appeal questionnaire, have proposed a condition requiring screening along the east side of the terrace and I find such a condition to be appropriate and proportionate mitigation in this case.
21. I do not therefore find that the proposed extension would cause harm to the living conditions of the neighbours of The Coach House. Consequently, there would be no conflict with LP2 Policies DM2 and DM21 in so far as they requires that new development, including extensions, do not have a significantly adverse effect on the amenities of nearby residential properties.

Conditions

22. I have had regard to the list of suggested conditions provided by the main parties. Where necessary, I have amended their wording to ensure they meet the relevant tests for conditions set out in the Framework. In addition to the standard time limit for implementation, I have imposed a condition requiring the development to be carried out in accordance with the approved drawings in the interests of certainty.
23. The planning application form states that the proposed roof and walls are to 'match existing' but limited information has been provided in respect of windows or doors, save they would be uPVC sash windows and Crittall-style glazed doors. In the interests of the character and appearance of the area, I find it necessary to impose a condition requiring further details of these elements to be submitted to and approved by the Council.

24. For the reasons given above, I have also imposed a condition requiring the erection of a 1.8m high obscurely glazed screen on the east facing side of the proposed balcony, and that this screen be retained in perpetuity. Further, in the interests of the appearance and composition of the rear elevation of No.4, I have imposed the condition, as suggested by the Council, requiring the existing side (rear) extension to be demolished as shown on the Proposed Cellar and Ground Floor Plan drawing (ref.PL-008 D).

Conclusion

25. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted.

R. Jones

INSPECTOR