



Appeal Decision

Site visit made on 13 February 2024

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/A0665/W/23/3329381

41 Delamere Street, Winsford CW7 2LX

- 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 S Warner, of Warnhill, against the decision of Cheshire West and Chester Council.
 - The application Ref 22/02592/FUL, dated 9 July 2022, was refused by notice dated 31 July 2023.
 - The development proposed is Block of 3 number 3 storey dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the neighbouring occupiers of 49 Delamere Street, with regard to outlook.

Reasons

Character and appearance

5. The appeal site represents an undeveloped piece of land at the rear of 37, 41, 43 and 45 Delamere Street. The area is characterised by a mix of commercial and residential buildings, which are varied in age, style, size, and appearance.

Access to the appeal site is via an existing driveway, in between 45 and 49 Delamere Street (No 49).

6. The buildings along the southern side of the road have a linear built form along the road frontage. The buildings predominantly have long rear private amenity areas with trees and vegetation on the boundaries and occasional, modest ancillary buildings. This is the main characteristic of the pattern of development along the road.
7. The proposed dwellings would occupy a relatively central position within the plot. They would be three storeys in height with the 3rd storey completely in the roofspace, including dormer window roof additions in the rear roof slopes. The new houses would each have a private rear garden and a frontage parking area.
8. Given the backland location of the three dwellings they would introduce a significant amount of built form and mass beyond the established rear elevations of the existing buildings that front the road. This would interrupt the established linear built form and prevailing pattern of development on this side of Delamere Street.
9. The scale and additional mass of the proposed dwellings would also be noticeable from within the street scene between the gaps of existing buildings. The amount of frontage parking would also dominate the appearance of the development and would be visually harmful. In particular, the proposed development would be readily visible from the wide access driveway. This would contribute to the adverse effect of the proposed dwellings which would not be in keeping with the built form along this part of the road and they would be an incongruous form of development within the area.
10. My attention has been drawn to other examples of backland development in the area. Inevitably, it is the detail and specific context of any development which determines whether it is acceptable in practice. Having considered the design and layout of this proposal, and its effect on the character and appearance of this area, for the reasons given, I consider that there would be unacceptable harm. Given this, these examples do not add weight in favour of the development. Accordingly, as I am required to do, I have determined the case before me on its own merits.
11. For the collective reasons outlined above, the proposed development would be unacceptably harmful to the character and appearance of the area, which would not accord with the identified design aims of Policy ENV6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1), Policy DM3 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2), and Policy H4 of the Winsford Neighbourhood Plan. These, together and amongst other things, require developments to be of a high quality design, which respect the character and local area and positively integrate into the wider town.
12. In addition, the proposed development would fail to accord with the design objectives of the Framework, which seeks to achieve well-designed and beautiful places.

Living conditions

13. The proposed development would be set off the shared boundary with No 49, which has an extended rear garden of a considerable length. Therefore, the separation distance between the proposed dwellings and the rear wall of No 49 would be significant.
14. I acknowledge that the proposed dwellings would result in built form where there currently is none. However, the side gable of the proposed development, would be set off the shared boundary and would only extend a short distance along it, to the extent that the length of the neighbouring garden would dilute the visual presence of the proposed development. As such, the proposed development would not have a significantly increased enclosing or overbearing effect on the occupiers of No 49.
15. For the above reasons, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 49 Delamere Street, in respect of outlook. As such, the proposals would accord with Policy SOC5 of LP1 and Policy DM2 of LP2, which together and amongst other things, seek to ensure that development safeguards the quality of life for nearby occupiers and does not result in a significant adverse impact on residential amenity.

Planning Balance and Conclusion

16. The construction of three dwellings would redevelop the land, in an accessible location. The proposal would also contribute to boosting the supply of housing and provide social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. However, these benefits would be limited by virtue of the proposal only adding three dwellings to the housing supply in the area.
17. Therefore, taking the above matters into consideration, and notwithstanding my conclusions on living conditions, the benefits would not outweigh the identified harm that would be caused to the character and appearance of the area.
18. Consequently, I conclude that the proposed development would conflict with policies contained within the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, the appeal is dismissed.

N Bromley

INSPECTOR