



Appeal Decision

Site visit made on 2 April 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/A0665/W/23/3333113

Land at Chester Road, Kelsall CW6 0RR

- 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 & Mrs Wright & Dyke (The Trustees of the Estate of Mrs A. Wright) against the decision of Cheshire West & Chester Council.
 - The application Ref 22/00834/FUL, dated 2 March 2022, was refused by notice dated 14 September 2023.
 - The development proposed is detached dwelling with associated landscaping.
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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, with including the Kelsall Conservation Area.

Reasons

3. The appeal site is a grassed area located between a terrace of three properties and a housing site currently under construction. The proposal would see the erection of a detached dwelling on the site. I understand a garage was removed from the application following discussions.
4. The locality is predominantly residential in nature, but the appeal site is located within the Kelsall Conservation Area, albeit close to the Conservation Area boundary. Historically Kelsall was well known as a stop off for traders, waggoners and quarrymen, due to its location and onward links to a number of key points. According to the Area Appraisal, the modern Kelsall has buildings from various time periods since those historic beginnings.
5. There is a variety of dwelling types in the locality, but the immediate context in which the appeal site is set is that of the three terraced dwellings set back from the highway. The addition of a new dwelling in this location would significantly alter that context. The design of the proposed dwelling does not look to work with the existing terraced dwellings but looks to take itself away from that context.
6. Set in the narrow site, it would appear cramped and not in keeping with the immediate locality and seems to be more interested in maximising the built area from the space available than understanding the context of its surroundings. I find that it would harm the character of the Conservation Area, resulting in an overdeveloped and cramped site, and would fail to respect the

character and appearance of the immediate locality, and would fail to preserve or enhance the character and appearance of the Conservation Area as a whole.

7. Given the significant, but localised adverse impact of the proposed development within the wider Conservation Area, I find that it would cause less than substantial harm to the character and appearance of the Conservation Area as a whole.
8. Any harm to the significance of a designated heritage asset should require clear and convincing justification and in accordance with the Heritage guidance set out within the National Planning Policy Framework, I must weigh the harm against the public benefits of the proposal.
9. The provision of a single dwelling would make a very limited contribution to the supply of housing and benefits from construction into the local area would be present but limited. In my judgement, the public benefits of the proposal would be minimal, and insufficient to outweigh the harm to the character or appearance of the significance of the Conservation Area, therefore, the proposal would fail to accord with national policy.
10. As a result, I find conflict with policies ENV5 and ENV6 of the Cheshire West and Cheshire Local Plan Part 1, policies DM3 and DM46 of the Cheshire West and Chester Local Plan Part 2 and the Kelsall and Willington Neighbourhood Development Plan policies D1 and E16 which when taken as a whole, amongst other matters, expect development to respond positively to designated heritage assets and their settings, respect local character through appropriate layout and design and to be in keeping with the prevailing layout.

Other Matters

11. I note the comments of the appellant with regard to the adjacent development, and the provision of a density study, but I find that this does not justify the harms caused by this particular development, and I have found accordingly.

Conclusion

12. The proposal is not in accordance with the Council's development plan as a whole and there is nothing outlined in the Framework that demonstrates or indicates that I should act other than in accordance with this.
13. For the reasons outlined above, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR