



Appeal Decision

Site visit made on 23 May 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2024

Appeal Ref: APP/R0660/D/24/3340184

3 Fairfax House, Millstone Lane, Nantwich, Cheshire East, CW5 5GQ

- 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 Mrs Barbara Jones against the decision of Cheshire East Council.
 - The application Ref 23/4510N dated 6 December 2023, was refused by notice dated 6 February 2024.
 - The development proposed is creation of a new vehicle access onto Millstone Lane and an offroad parking space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An appeal has been submitted for similar proposals at the adjacent property, 2 Fairfax House, which is the subject of a separate appeal decision (APP/R0660/D/24/3340178). Whilst site visits were undertaken at the same time for both appeals, and I note that the submitted plans also show the proposals together, the proposals were the subject of separate planning decisions. They are; therefore, separate appeal decisions and each proposal has been considered on its own merits against the information that has been provided within both the application stage as well as the appeal itself.

Main Issue

3. The main issue is the impact of the proposal upon the character and appearance of the terraced block known as Fairfax House and the street scene.

Reasons

4. The appeal site is located on Millstone Lane with the proposal, for a new vehicle access and off-road parking space, being proposed to the frontage of the host dwelling which forms part of a terraced block known as Fairfax House. The appeal site benefits from an existing vehicular access, and off-street parking, which is accessed via Imperial Court as a result of passing through the building which is to the rear/east of the appeal site into a parking area.
5. At the time of my site visit, whilst I acknowledge the double white lines in the centre of Millstone Lane, I did not find that there was a notable lack of off-street parking within the vicinity of the appeal site and indeed, I did not find it difficult to park. I acknowledge that my site visit is, of course, a snapshot in time but this, combined with the fact that the appeal site does already benefit from off street parking to the rear via Imperial Court, means that I place limited weight upon the appellant's submission that the proposal would assist

in improving a claimed shortage of parking for residents in the area or that it would eradicate what are stated to be persistent illegal parking issues. Additionally, I found no issues with the general flow of traffic on Millstone Lane arising from on street parking and find that parking, along the road, is commonplace and part of the established street scene in this area.

6. At the time of my site visit I noted that the street scene and general character and appearance of Millstone Lane is varied in terms of property styles, bulk, scale, massing, and materials. The building which the appeal site forms part of is, however, a notable building within the street scene due to it being of greater height than many dwellings within the vicinity but also due to the design of the building itself which is a contrast to the dwellings along Millstone Lane itself. The frontages along Millstone Lane are varied insofar as there are terraced dwellings, semi-detached dwellings, which have a mix of both small front gardens and parking to the front of properties, however, the appeal site, and the building which it is part of, is notable as a result of a well-maintained lawn to the front of the properties as well metal railings which surround the front of the appeal site. The appeal site frontage contributes positively to the street scene as part of the frontage for Fairfax House.
7. The proposal for the vehicular access to the front elevation would entail removing a section of the existing low level black metal railings and a majority section of the existing lawn. This would be replaced with permeable hardstanding to create an off-road parking area. The proposal would also result in alterations to the boundary treatment. The proposal states that a new railing on a hinge, to form a gate, would be sited between the new area of hardstanding and the existing highway, albeit no detail of the gate has been provided. Had the proposal been acceptable in other regards, this could have been conditioned as part of any permission which was granted along with materials, as discussed further below.
8. The introduction of a vehicular access to the front of the host dwelling would create a notable loss of what appears to be a purposely designed green frontage. The appeal site appears to have been part of a wider residential development and I find that it is notable that the appeal site already benefits from vehicular access and offroad parking, via Imperial Court, to the rear. The provision of access, and parking, from the rear of the appeal site further supports that the green frontage and railings were a purposeful design feature. The green frontage, at the moment, is notable and positively contributes to the character and appearance of the street scene in direct contrast to the property frontages within the vicinity of the appeal site. Removal of this feature, and the introduction of vehicles parked to the front of the appeal site, would remove this and impact upon general views of the appeal site, and the terraced row known as Fairfax House, within the street scene. I find that this would be detrimental to the character and appearance of the terraced block as well as the street scene within which it would be viewed.
9. I note that reference has been made to the driveway, already constructed, at 1 Farifax House (no. 1) which is stated to have been approved under application 22/2052N which is visible within both the appellant's submissions and was also visible at the time of my site visit. I acknowledge that the creation of the vehicular access at no. 1 would have removed a section of existing lawn to the front elevation which has been replaced with permeable hardstanding. Despite this whilst there was, in that case, a loss of green frontage the proposal is seen

in the context of the neighbouring dwelling (76 Millstone Lane) which has a block paved drive immediately adjacent. The proposal also creates a visual break between the existing green frontage of the terraced block. Each case should be considered on its own merits.

10. In the case of the proposals which are before me, they would result in a wider opening in the railings along Millstone Lane with a significant proportion of the frontage to the appeal site being replaced. I find that this would result in a more substantial loss of green frontage than the proposal which was granted permission at no. 1, which, comparatively, appears to have been kept to a minimum width with a straight run of hardstanding, compared to the wider L-shaped proposal which is before me, and furthermore the proposal at no.1 would not result in vehicles being parked immediately in front of the principal elevation of Fairfax House as is well illustrated by the submitted street scene (document D) submitted by the appellant. The proposal has not resulted in the same impacts to the character of the front of the terraced block. I place limited weight, therefore, on the proposals which were granted permission at no. 1 in relation to the consideration of this appeal.
11. The width of the proposal, immediately in front of the appeal site, is stated to be in the region of 480cm (4.8 metres) which is double the size of the width of a standard parking space. Whilst I appreciate that this design may be to enable a vehicle to park on the proposed driveway and enable the gates to be shut behind a vehicle, the design presents as contrived as a result of insufficient length from the principal elevation to the pavement, for a vehicle to park with the ability to close the gates behind it. This is, again, a direct contrast to the proposal which was granted permission at no. 1 which is greater in length and allows a vehicle to park on the approved hardstanding with sufficient length remaining to close the gates and maintain the metal railing frontage which is part of the design of the overall setting of Fairfax House.
12. I note the appellant's comments that materials could be made a condition upon approval, however, in this case the choice of materials would not overcome the fact that there would be a large proportion of lawned area removed and replaced with alternative materials upon which a vehicle would be parked. I do not consider that there has been a lack of consistency in the application of policy between the proposal before me and the approval at no. 1 (22/20552N) as, as I have outlined, I find that there are notable differences between the design of the proposals and how they would be viewed taking into account the immediate site context, in the case of no. 1, of 76 Millstone Lane.
13. Overall, I find that the proposals would remove a significant proportion of the lawned area to the front of 3 Fairfax House which, replaced with hardstanding and a parked vehicle(s), would be detrimental to the currently attractive and verdant character to the front of the terraced block known as Fairfax House as well as removing attractive green frontage which currently contributes positively to the surrounding street scene.
14. It is acknowledged that frontages and gardens can change and evolve over time, however, a lack of listing for a property does not in this case assist the proposal in terms of acceptability due to the issues which I have found to both the setting of Fairfax House itself as well as the street scene. I note that the lawn in question is not a communal garden, and that the homeowner could, if they so wished, make changes to their section of front area lawn without the

need for planning permission. Despite this, I have no evidence to suggest that if this appeal failed that this would be the appellant's intention and I do not find that such, unspecified, changes would result in the same impacts as the removal of a large area of lawn, creation of a drop kerb and access and parking of a vehicle to the front of the appeal site as would be the case in the event this appeal was allowed.

15. The proposal would be contrary to Cheshire East Local Plan Strategy 2017 (LP) Policy SE1 which seeks to ensure the design of proposals is in keeping with the character of the area, respecting the setting, design, scale, form and materials of the existing dwelling whilst respecting the character and form of its surrounding and not adversely affecting the street scene, LP Policy SD1 which expects development to positively contribute to an areas character and identity and LP Policy SD2 which requires proposals to make a positive contribution to their surroundings in terms of sense of place as well as protecting and enhancing the quality, distinctiveness and character of settlements.
16. The proposal would also be contrary to Cheshire East Local Plan Site Allocations and Development Policies Document 2022 (SADPD) Policy GEN 1 which seeks to ensure that proposals have a sense of place and high quality of design and SADPD Policy HOU 11 which outlines that proposals should be in keeping with the character and appearance of the surrounding area. The proposal would also be inconsistent with paragraph 135 of the National Planning Policy Framework 2023 which states that development should function well and add to the overall quality of the area and be sympathetic to local character.

Other Matters

17. It is stated that neighbours have confirmed their support for the proposals and whilst I note that it is stated that they would be willing to state that support in writing, this (and the reasoning for support) has not been submitted as part of the appeal and, furthermore, a lack of objection is a neutral consideration.

Conclusion

18. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR