



Appeal Decision

Site visit made on 16 April 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2024

Appeal Ref: APP/A0665/W/23/3333393

174 Northwich Road, Weaverham, Northwich, Cheshire CW8 3AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs M Booth against the decision of Cheshire West and Chester Council.
 - The application Ref is 22/01723/OUT.
 - The development proposed is residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal before me has been made in outline with only access being considered at this stage. All other matters, namely appearance, landscaping, layout and scale have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings are for illustrative purposes only and I have considered them as such.
3. A revised National Planning Policy Framework (the Framework) was published by the Government 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 consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
4. The first reason for refusal refers to Policy NBE1a of the Northwich Neighbourhood Plan. It has been confirmed by the Council that this was an oversight and the application site does not lie within the Neighbourhood Plan area. I have not had regard to this policy in my decision.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area including the trees within the site and on adjacent land, and
 - the living conditions of neighbouring occupiers, with particular regard to overlooking and privacy.

Reasons

Character and appearance

6. 174 Northwich Road is a detached dwelling and garden that lies at the end of a row of dwellings on the edge of the settlement of Weaverham and at the junction of Northwich Road and Oak Meadow. Oak Meadow serves a number of dwellings that lie to the side and rear of the host dwelling.
7. The dwellings on Northwich Road are of various designs but all have spacious and long gardens to the rear which are of a similar width and depth creating a regular rhythm to the area. Many have mature landscaping including shrubs and trees giving the area a spacious and verdant character. On the other hand, the dwellings served by Oak Meadow have smaller plot sizes and corresponding smaller gardens. They have a different character with an open or low frontage treatments to the dwellings.
8. The access to the proposed detached dwelling would be taken from Oak Meadow and would involve the removal of part of the close boarded fence to the side of the appeal site. It would be positioned behind the remaining fence and appear as a dwelling in the garden of 174 Northwich Road. It would not therefore be read as a dwelling in the Oak Meadow estate or those on Northwich Road and would be incongruous to the characteristics of both areas.
9. There are substantial trees situated in the garden of 172 Northwich Road close to the boundary of the site. There are also trees outside the site on Oak Meadow as well as within the site. The trees outside the site are visible from Oak Meadow and Northwich Road and make a significant and positive contribution to the visual amenity of the area. At the time of my site visit I saw that a tree within the garden had been removed as indicated by the appellant.
10. I have not been provided with an arboricultural survey for the trees as part of the application or appeal submissions, but there is no substantive evidence before me to demonstrate that they would not be likely to survive on site for many years, in the absence of any building. I cannot therefore be certain of the spread of their Root Protection Areas or any measures that could be implemented to protect the trees and roots from development from either the dwelling or any hardstanding. Even if this had been provided as part of the appeal, it would not have altered my conclusion regarding the development in its surroundings.
11. I conclude that the proposal would harm the character and appearance of the area including the trees within the site and on adjacent land. It would conflict with Policies ENV4 and ENV6 of the Cheshire West and Chester Local Plan (Part One) (CWCLP Part One) and Policies DM3 and DM45 of the Cheshire West and Chester Local Plan (Part Two) (CWCLP Part Two) which together, amongst other matters seek to ensure that development respects and contributes positively to the character of the area and where existing significant trees are likely to be affected a tree survey will be submitted. It would also conflict with the Framework which has similar aims.

Living Conditions

12. The illustrative plan and elevations do not represent the only way the site could be developed. However, if the dwelling would front onto Oak Meadow with the rear elevation close to the boundary with 172 Northwich Road any windows in

the rear elevation that would be higher than the boundary fence would have the potential to overlook the garden area of the neighbouring dwelling resulting in a loss of privacy for the occupiers. If orientated at 90 degrees to this then the windows would overlook the gardens of the properties on Oak Meadow resulting in a loss of privacy for those occupiers.

13. I conclude that the proposal would harm the living conditions of neighbouring occupiers, with particular regard to overlooking and privacy. It would conflict with Policy SOC5 of the CWCLP Part One and Policy DM2 of the CWCLP Part Two which together, amongst other matters seek to ensure that development safeguards the quality of life for residents living nearby. It would also conflict with the Framework which has similar aims.

Other Matter

14. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter between the parties and does not affect my determination of the appeal in this case.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR