
Appeal Decision

Site visit made on 29 July 2024

by K Winnard Solicitor LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/A0665/D/24/3346684

57 Pearl Lane, Great Boughton, Chester CH3 5NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Swanson against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/00624/FUL.
 - The development proposed is the demolition of an existing garage and replacement with garage incorporating loft storage space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing garage and replacement with a garage incorporating loft storage space at 57 Pearl Lane, Great Boughton, Chester CH3 5NU in accordance with the terms of the application, Ref 24/00624/FUL, 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: Drawing No 2074/02 Rev B Proposed Plans and Elevations, and Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be constructed in the materials shown on the plan No Drawing No 2074/02 Rev B Proposed Plans and Elevations.

Procedural Matter

2. Amended plans were received in the course of the application which reduced the ridge height and eaves of the proposed garage. My decision is based on the revised plans.

Main Issues

3. The main issues in this appeal are the effect of the development on (i) the character and appearance of the host dwelling and the area and (ii) the living conditions of the occupiers of the neighbouring dwelling, No 55 Pearl Lane.

Reasons

Character and Appearance

4. The appeal property, No 57 Pearl Lane (No 57) is a two storey semi-detached property situate on a residential street. Pearl Lane and the surrounding streets are characterised by dwellings with single storey outbuildings/garages sited at the rear of driveways. On my site visit I noted a variety of different styles, design and scale of the garages. The setback of the garages to the rear of the properties is such that they avoid interrupting the more open appearance of the streetscene and the garages are only visible through the gaps between the properties when viewed directly from the front.
5. The proposed garage would be larger and its style and design more elaborate than the existing modest garage. Although wider, much of the increased width would extend into the rear garden where it would not be visible beyond the site boundaries and would not be a significant change to the appearance of the streetscene when viewed from the front. The increase in height would be a notable feature and would be prominent in views from neighbouring gardens. However it is in an area where the character and appearance of the garages is diverse and within the area as a whole there are a number of larger garages. Further its ridge height would be similar to that of adjacent garages sited at the rear of properties on the neighbouring street, Norley Road, and in which context it would be viewed. As such it would not look out of place within the immediate setting and would not cause unacceptable harm to the character and appearance of the host dwelling and the area.
6. Therefore, the development would therefore not conflict with Policy DM21 of the Cheshire West and Chester Local Plan Part Two Land Allocation and Detailed Policies (Local Plan Pt 2) which requires outbuildings to be in keeping with the character and appearance of the original dwelling, surrounding properties and the wider setting. Nor would it conflict with the Council's Supplementary Planning Document: House Extensions and Outbuildings (SPD) insofar as it seeks to protect the character of an area.

Living Conditions

7. Nos 57 and its non attached neighbouring property, No 55 Pearl Lane (No 55) are separated on their boundary by a small fence and driveways leading to the garages at the rear of the properties. As a result of the proposal the eaves and ridge height of the garage would be visible behind the garage sited at No 55 when viewed from its rear elevation and rear garden. However, the roof of the garage would slope away from the boundary and it would be seen in the context of the other garages found in this location. Further given the development would be separated from the rear garden of No 55 by its intervening detached garage, the greater distance would mean that the proposal would not be likely to have a significant overbearing effect on outlook from either the garden or habitable rooms of that property.
8. In addition, the rear gardens at Pearl Lane face north east and are shaded by the existing dwellings and garages. As such, any overshadowing caused by the proposal would be minimal in my view and as noted by the appellant's agent, limited particularly between spring and autumn.

9. On this point I therefore conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of No 55. As such the proposal would be in accordance with Policy DM21 of the Local Plan Pt 2 which requires proposals not to have a significantly adverse effect on the amenities of nearby residential properties. It would also not conflict with the aims of the SPD insofar as it seeks to protect residential amenity.

Conditions

10. Conditions in respect of timescales and approved plans are necessary in the interests of certainty and as revised plans were submitted. A condition regarding matching materials is necessary in the interests of the appearance of the area.

Conclusion

11. For the reasons given, I hereby allow the appeal as set out in the formal decision notice above.

K Winnard

INSPECTOR