



Appeal Decision

Site visit made on 17 September 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/A0665/D/24/3347349

El Avila, 42 Curzon Park North, Chester, Cheshire West and Chester CH4 8AR

- 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 Paul Daniels, of Danatek Ltd, against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/03664/FUL.
 - The development proposed is described as a Rear Garage Extension and Link to provide 2 additional bedrooms and 1 bathroom.
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Decision

1. The appeal is allowed and planning permission is granted for a rear garage extension and link to provide 2 additional bedrooms and 1 bathroom at El Avila, 42 Curzon Park North, Chester, Cheshire West and Chester CH4 8AR in accordance with the terms of the application, Ref: 23/03664/FUL, 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 referenced:

233_OS.00 – Site Location Plan

233_OS.01 – Block Plans

233_SP.00 - Existing Site Plan

233_EE.01 – Existing Rear Elevation

233_EE.02 – Existing Side Elevation (Southern)

233_EE.03 – Existing Side Elevation (Northern)

233_EE.04 – Existing Front Elevation

233_GA.01 – Proposed Ground Floor¹

233_SP.01_B – Proposed Site Plan

233_GA.01_B – Proposed Ground Floor Plan

¹ Showing existing ground floor arrangement

233_GE.01_B – Proposed Rear Elevation

233_GE.02_B – Proposed Side Elevation (Southern)

233_GE.03_B – Proposed Side Elevation (Northern)

233_GE.04_B – Proposed Front Elevation

233_GA.02_B – Proposed Roof Plan

233_GS.01_B – Proposed Section AA

233_GS.02_B – Proposed Section BB

233_GS.03_B – Proposed Section CC

233_GS.04_B – Proposed Section DD

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

4) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) detailing pollution prevention measures shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in strict accordance with the approved CEMP.

5) Prior to commencement of development, a detailed construction method statement shall be submitted to, and agreed in writing by, the local planning authority. The construction method statement shall also include detailed tree protection and arboriculture measures to demonstrate how existing trees will be protected throughout construction. The development shall be carried out in strict accordance with the approved construction method statement.

6) Prior to installation of the windows to bedroom 1 and bedroom 2, as detailed on the approved plans, full details of the proposed 'solar control film' shall be submitted to, and agreed in writing by, the local planning authority. The approved 'solar control film' shall be applied to the windows prior to first occupation of the extension hereby approved, and shall thereafter be retained.

7) The development hereby approved shall be constructed in strict accordance with the Badger and Hedgehog Reasonable Avoidance Measures (RAMs) as detailed in the Ascerta 'Tree Bat Roost Potential and Badger Survey' Report (Report reference P.1719.22, dated 25th March 2024).

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, and whether the Curzon Park Conservation Area (the CPCA) would be preserved or enhanced.

Reasons

3. The appeal site lies within the CPCA. The statutory requirement² requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 205

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

of the National Planning Policy Framework (the Framework) requires that great weight be given to an asset's conservation when considering the impact of a proposal on its significance. Insofar as is relevant to this case, I consider that the significance of the CPCA derives from its historic development, and the pattern and form of development, which includes large buildings of varied architectural design, set within spacious and well landscaped plots. Furthermore, the relationship between the dwellings on Curzon Park North with the adjacent River Dee and Chester racecourse also contribute to the significance of this particular part of the CPCA.

4. The appeal site relates to a detached dwelling of contemporary design. The dwelling includes a detached garage located to the side which is of similar appearance to the host dwelling. The site is located at the top of a steep bank which rises from the River Dee. A large expanse of mature vegetation covers the site. Curzon Park North sits in an elevated position above the River Dee and racecourse beyond. A number of these dwellings are visible in views from the racecourse and beyond due to their elevated position and limited intervening vegetation. A number of these visible properties have large expanses of glazing within their rear façade. However, the appeal dwelling itself is significantly screened in these views due to the large expanse of mature vegetation surrounding the property.
5. The scheme relates to a rear extension to the garage and the addition of a link to the main dwelling. The gap between the dwelling and garage is narrow and the addition of a link would not result in any significant increase in overall mass. The rear extension would project beyond the top of the bank, and into the wooded area, resulting in a cantilevered design. However, the degree of projection, along with the overall footprint and mass of the extension would not result in a significant addition to the dwelling. The scheme adopts a similar design approach to the host dwelling and would be appropriately designed to respect the character of the building.
6. Notwithstanding the above, the rear elevation of the extension would be largely glazed. The expanse of glazing would be in addition to the significant glazing within the rear elevation of the dwelling. This would result in a rear elevation which would be glazed almost in its entirety. While this may be the case, the extension would project into the existing woodland, rather than beyond it and, there would remain extensive tree canopy coverage between the extension and the River Dee. The existing extent of vegetation between the dwelling and the River Dee would remain, which would significantly dilute any appreciation of the full width of the dwelling from public vantage points to the rear. Due to the depth and density of the vegetation, I consider that this would also help to obscure views of the dwelling, and the extension, even when the trees are not in leaf.
7. I acknowledge that the rearward projection into the wooded area, and expanse of glazing may increase the possibility of the dwelling becoming more visibly prominent, particularly at night when the rooms may be internally lit. However, where views of the extension may be available, this would be in the context of more exposed glazed openings to other dwellings along Curzon Park North. In any event, the scheme proposes the application of a solar control film to these openings. This would reduce light transmission from the habitable rooms. The

Design & Access Statement³ (the DAS) suggests that light transmission would be reduced to 18% when the film is applied. I consider that this would significantly reduce any perceived prominence of the extension, including any cumulative effects with glazing in the wider dwelling at night-time. Furthermore, the information provided within the DAS indicates that the solar control film would also have properties which significantly reduce reflection and glare. This, in addition to the orientation of the dwelling, and screening from retained trees, would mean that there would not be any significant issues regarding reflection or glare during the day.

8. I note the concerns raised by the Inspector for an earlier appeal for a similar proposal⁴, particularly with regard to the prominence of the development when the trees are not in full leaf. However, for the reasons outlined above, I consider that these concerns would be adequately addressed by the application of the proposed solar film. In any event, I have considered this appeal on its individual merits.
9. Given the modest scale and design of the proposed development, including the proposed application of the solar control film to the glazing, I am of the opinion that the proposed development would not have a harmful effect on any feature or characteristics which contribute towards the significance of the CPCA.
10. For the above reasons, the development would not have a harmful on the character and appearance of the area, and the character and appearance of the CPCA would be preserved. Therefore, the development complies with Policies ENV5 and ENV6 of the Cheshire West and Chester Local Plan (Part One): Strategic Policies, and Policies DM3, DM21 DM46 of the Cheshire and Chester Local Plan (Part Two): Land Allocations and Detailed Policies, and guidance contained within the Framework. Together, amongst other things, these seek to achieve high-quality design in development that respects the character of the area, while also seeking to preserve or enhance designated heritage assets including Conservation Areas.

Other Matters

11. I acknowledge the concerns raised by third parties with particular regard to the scale of the proposals, and the effect on trees, ecology and the stability of the bank. As detailed above in the main issue, I am satisfied that the development would not have a negative effect on the character and appearance of the area and do not consider this modest addition to be out of scale with the existing building, site or its surroundings.
12. The Council have not raised concern with regard to the effect of the development on ecology, trees or the stability of the bank and I have no reason to dispute these conclusions. In any event, the Council have suggested a number of conditions which would ensure that these matters are considered during construction.

Conditions

13. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty.

³ At Section 4.0 "Precedents - Glazing Film" (page 25)

⁴ Appeal Ref: 3324337

A condition requiring the development to be carried out in materials to match the existing building is also necessary in the interest of the character and appearance of the development.

14. I have had regard to the additional conditions suggested by the Council. I consider that a condition relating to a Construction Environmental Management Plan is necessary in order to limit the effects of the development on the surrounding environment, particularly having regard to its river bank location and the high coverage of mature vegetation. A condition relating to Reasonable Avoidance Measures for species is also necessary to limit the effects on those species and their habitats. A condition relating to a construction method statement is necessary to ensure the stability of the bank is not compromised and to limit the effect of the development on existing trees. Finally, a condition relating to the detail and application of the solar control film is also necessary in the interests of the character and appearance of the development.

Conclusion

15. For the above reasons the appeal is allowed.

D Cleary

INSPECTOR