



Appeal Decision

Site visit made on 2 January 2025

by **Ian McHugh DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th February 2025

Appeal Ref: APP/A0665/D/24/3353457

59 Greenfields, Upton, Chester, CH2 1 LL

- 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 Miss Hayley Crimes against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/02147/FUL.
 - The development proposed is the construction of a garage with mezzanine floor for additional storage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following my site visit on 2 January, I sought clarification and agreement from both parties on the dimensions of the proposed garage. I received these on 12 February 2025 and they have informed my decision.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area; and the effect on the living conditions of the occupants of neighbouring dwellings, regarding outlook.

Reasons

Character and Appearance

4. The proposed garage, with a mezzanine floor, would be located in the relatively large rear garden of the appellant's dwelling. Planning permission has previously been granted by the Council under reference 23/00116/FUL for the erection of a porch, rear extension, and a detached garage in the rear garden. That approved garage has the same footprint and is in the same position as the proposed appeal garage. However, the appeal proposal would result in the building being 0.85m higher at the ridge and 0.35m taller at eaves level.
5. The Council considers that the proposal would be out of character with its surroundings and would not be subordinate (when compared to the existing dwelling), because of its size. It refers to the garage being taller than that previously approved and to a conflict with Policy ENV 6 of Part 1 of the Cheshire West and Chester Local Plan and with Policies DM 3 and DM 21 of Part 2 of the Cheshire West and Chester Local Plan. These policies require (amongst other

things) proposals to be of a high standard of design and to be in keeping with the character of the area.

6. In addition, the Council cites a conflict with the Council's Supplementary Planning Document – House Extensions and Domestic Outbuildings (SPD). This states (amongst other things) that proposals for domestic outbuildings that are proportionate to the original dwelling will be supported.
7. The proposed garage would occupy the same footprint as the previously approved building and it would be sited at the far end of the garden, well away from the existing dwelling. Whilst the garage would be lower in height than the existing dwelling, its height and mass would result in a building that would appear at odds with the domestic character of the site and the general locality, where smaller scale outbuildings in rear gardens are more typical.
8. Although the proposed garage would be at the rear of the property, it would be clearly visible from the front through the gap between the appellant's dwelling and the neighbouring property. It would appear as a discordant feature that would be at odds with its surroundings and with the character of the area, when viewed from the road. Consequently, I conclude on this issue that the proposal would conflict with the provisions of the Development Plan, as referred to above.

Living Conditions

9. Policies SOC 5 OF the Local Plan Part 1 and DM 2 of the Local Plan Part 2 state that developments that harm residential amenity will not be allowed. The Council's SPD also states that outbuildings can have a significant effect on residential amenity. The Council considers that the proposal would have an overbearing impact on neighbouring property. I also note that concerns have been expressed by a neighbouring resident in respect of overlooking and the future use of the outbuilding. However, if the appeal was to be successful in all other respects, these matters could be adequately controlled by conditions.
10. The neighbouring dwellings have relatively large gardens and whilst the proposed garage would be positioned close to the rear garden boundaries of adjoining properties, I consider that the separation distances between the garage and the neighbouring dwellings would be sufficient to ensure that any impact on the occupants of these properties would not be unacceptably harmful. Accordingly, I do not find against the proposal on this issue.

Conclusion

11. For the reasons given above in relation to character and appearance, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR