



Appeal Decision

Site visit made on 21 January 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/A0665/W/24/3351877

2 Heath Lane, Barrow, Chester, Cheshire West and Chester CH3 7LL

- 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 David Johnstone against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/02815/FUL.
 - The development proposed is for replacement new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for replacement new dwelling at 2 Heath Lane, Barrow, Chester, Cheshire West and Chester, CH3 7LL in accordance with the terms of the application, Ref 23/02815/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr David Johnstone against Cheshire West and Chester Council. This is subject to a separate decision.

Preliminary Matters

3. An error was made on the application form with reference to the appellant's name. The correct name of the appellant has been confirmed and I have used this in the banner heading above.
4. The appeal site is within the Green Belt, however, there is no dispute between the main parties that the proposal is not inappropriate development in the Green Belt. As such, I find no reason to disagree.
5. The description of development on the application form read as '*Proposed Replacement Dwelling. - Footprint Extended to Front, Eaves Height Lifted, Ridge Remaining at current level. Proposed Rear Dormer. Alterations to Elevations*'. I have used the description of development on the appeal form and decision notice for clarity.
6. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Whilst some paragraph numbers have changed, the relevant paragraphs and parts of paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.

Background and Main Issue

7. The second reason for refusal in the Council's Decision Notice relates to the effect of the proposed development on the living conditions of neighbouring residents. However, the Council have confirmed that they no longer wish to contend this reason for refusal. Therefore, the main issue is the effect of the proposed development on the character and appearance of 2 Heath Lane (No 2) and the surrounding area.

Reasons

8. The dwellings on Heath Lane benefit from large plot sizes and are not uniform in design. There is a variation of both contemporary and traditional design features in the dwellings located in the surrounding area of the appeal site. They incorporate a varied material palette such as red brick, white painted render and stonework facades. No 2 is sited on an incline and is set back considerably from the public highway. The appeal site lies within the Green Belt, but the Council is satisfied that the proposal would not constitute inappropriate development in the Green Belt.
9. The appeal scheme would replace the existing single storey bungalow with a dormer bungalow. It would result in an increase of the eaves height when compared to the existing dwelling. However, the ridgeline would remain the same. Additionally, the materials proposed would use white render for the main elevations, a standing seam metal cladding would be provided on the rear dormer cheeks as a border to the timber clad face of that dormer only. Additionally, there would be vertical timber boarded panels to the gable and front dormer.
10. Given the aforementioned mix of design of the dwellings near to No 2, the metal cladding would not result in an incongruous feature. There are other properties near to No 2 which have dark fenestration and consequently, a dark material palette for the cladding would not be a notable addition. Due to the variation of roof designs on Heath Lane, the dormer surround would not result in an overly conspicuous addition. Nevertheless, the cladding is proposed mainly to the rear of the proposed dwelling and given the rear dormer surround and the setback position of the appeal scheme, these features would not be overly visible from the public highway.
11. Whilst the Council refer to the 'rustic feel' and consequent character of the dwellings on Heath Lane, including their association with the wider green belt character, the mix of the dwellings in the vicinity of the appeal site result in both a rustic and modern character to the area. Therefore, given that the proposed bungalow would maintain the existing ridge line of No 2 and the majority of the materials which would be used are already present in the streetscape, it would assimilate with the varied character of the area and would not result in harm to the surrounding character of the area.
12. The Council also highlight concerns regarding the front projection which has a flat roof. I have identified above the varying designs in the surrounding area. Whilst a forward projecting garage is not a prominent feature on Heath Lane, the flat roof would enable the characteristic gable feature to be unobstructed. Given that the gable feature is a prominent characteristic in the surrounding the area, the flat roof contributes to ensuring the appeal scheme assimilates with the wider area. Moreover, due to the set back of the appeal site from the road, the views would likely be of the gable feature rather than the flat roof projection.

13. In conclusion, the proposed development would not result in harm to the character and appearance of the surrounding area. It therefore would comply with Policy ENV6 of the Cheshire West and Chester Council Local Plan (Part One) and Policies DM3 and DM21 of the Cheshire West and Chester Council Local Plan (Part two). These policies seek, amongst other things, to ensure that development is designed to a high-quality and respects the local character.

Other Matters

14. The Council has indicated that the appeal site is adjacent to the Great Barrow Conservation Area (the CA) and has provided a plan showing the extent of the CA. Given the intervening development between the appeal site and the CA, the appeal site does not contribute to the significance of this heritage asset. Consequently, the development itself would not harm the significance of the CA as a designated heritage asset.
15. Interested parties have indicated concerns regarding the appeal scheme's effect upon daylight/sunlight to a neighbouring dwelling and garden as well as a loss of outlook. The Council has withdrawn its concerns regarding these matters and I find no reason to disagree.

Conditions

16. The Council has provided a list of suggested conditions which I have considered against the Framework, and advice contained in the Planning Practice Guidance. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
17. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).
18. A condition regarding the external materials of the development is necessary to prevent any erosion of the area's character (3). In the interests of highway safety, I have imposed a condition requiring the provision of the approved vehicle spaces prior to the first occupation of the development (4). A condition requiring the development to accord with the Building Regulations optional requirement regarding water usage is required to ensure the efficient use of water (5).

Conclusion

19. The proposed development would be in accordance with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos EX01.Rev.X (Location Plan), PL01.Rev.C (Proposed Site Plan), PL02.Rev.C (Proposed Floor Plans), PL03.Rev.C (Proposed Elevations) and PL04.Rev.C (Proposed Elevations).
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no PL01.Rev.C. Thereafter, those spaces shall be retained for the parking of vehicles only.
- 5) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

=====END OF SCHEDULE=====