



Appeal Decision

Site visit made on 8 April 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/A0665/D/25/3361168

Shiloh, Earles Lane, Wincham, Northwich, Cheshire West and Chester, CW9 6EA

- 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 Dr Claire Blakeley against the decision of Cheshire West and Chester Council.
 - The application reference is 24/01669/FUL.
 - The development proposed is installation of electric sliding gates to front entrance.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the proposal as I find that it more concisely describes the proposal.
3. The Council's questionnaire states that the appeal site is in the Green Belt, however, this has since been confirmed by the Council to be an administrative error – the site is noted to not be within the Green Belt.

Main Issue

4. The main issue is the impact of the proposal upon the street scene, local character and visual amenity of the locality.

Reasons

5. The appeal site is a two storey, detached dwelling which stands within Earles Lane, which is characterised by dwellings which are similar in scale and design, with generally uniform materials. I note that works have been undertaken which, as noted in the Council's delegated report, are in connection with amendments to the existing boundary walls as well as the formation of a level surface from Earles Lane. These proposals, and works to date, do not form part of the proposal that is before me as confirmed by the submission documents and the description of the development set out within the decision notice. Furthermore, whilst I note the development description has been amended (for clarity), the appellant's application form is clear in its reference to the proposed sliding gates only. I have considered this appeal on this basis.
6. At the time of my site visit, I found that properties within the vicinity of the appeal site are primarily characterised by soft boundary treatments (mature hedgerow and vegetation) with low lying hard boundary treatments. Such boundary treatments maintain a sense of openness with general views available of dwellings within the

immediate locality. The street scene has a distinctly rural feel, with the appeal site standing in the middle of a row of detached dwellings which, to the northwest, are adjoined by hedgerow boundaries and fields, which all contribute to the general character and appearance of the setting of the appeal site. Whilst I acknowledge that there are examples of taller hard boundary treatments in close proximity, I find that these have been designed, through the use of railings for example, to allow clear views and maintain the openness of the setting within the street scene.

7. The proposal seeks to install composite grey sliding gates which are horizontally slatted in design and which would, overall, present essentially as visually solid limiting views through said slats. The proposal would therefore prevent and impact upon the currently available general open views towards the host dwelling. Furthermore, I note that Earles Lane itself is at a lower level, which I find would further contribute to the perceived height of the proposal and its impact as a result of being a visually dominant, discordant and alien addition to the street scene.
8. Whilst I acknowledge the examples of boundary treatments highlighted by the appellant in their statement of case, I do not find them entirely comparable, in terms of the composite slatted proposal which is the subject of this appeal (albeit I acknowledge the height and, in some cases, solid nature). Whilst I acknowledge the location of the examples provided by the appellant, the proposal that is before me would be viewed in the context of its immediate surroundings and the row of dwellings within which it stands on Earles Lane. The examples highlighted may be, comparably, perhaps more characteristic for those areas, but they are not within shared, immediate views, within which the appeal proposal would be seen within the street scene and setting of the appeal site.
9. The setting of the appeal site, as outlined above, is notable in terms of open views through the property boundaries with open accesses and/or vegetation and hedgerow boundaries. The proposal that is before me would be entirely contrary to this in terms of design and the rural context. I note the appellant's comments that the Council requested a design which was more open than that which has been demonstrated, but that this is not possible due to not being stocked by suppliers, and that the proposal as submitted is the most open composite gate available. The lack of availability of alternative design in a composite gate is acknowledged, but I attribute limited weight to this factor. I find that the closed, slatted, design is, in this context, inappropriate and would fail to make a contribution to the local character of the immediate area, as well as causing harm to the visual amenity of the locality. I have no evidence that an alternative design and material could not reasonably achieve the gated boundary feature required by the appellant (as set out in the application form) in a manner which is more character appropriate for the locality.
10. The proposal would be contrary to Cheshire West and Chester Council Local Plan (Part 1 and 2) Policy ENV6, which requires that development respects local character, and Policy DM3, which requires design solutions to be sympathetic to the characteristics of the development site, its relationship with its surroundings and, where possible, views into, over and out of the site. The proposal would also be contrary to Policy DM21, which confirms that particular regard should be had to the prevailing character of boundary treatments in assessing the impacts of the proposed development.
11. The proposal would also be contrary to the guidance set out in the Supplementary Planning Document: House Extensions and Domestic Outbuildings 2021, which

advises that new boundary treatments should have regard to the prevailing characteristics of boundary treatments in the locality, and that such proposals should take into account height, position, and materials in order to be supported.

Other Matters

12. I note the comments of the Parish Council, however, I have no reason to believe that the proposal would be located on land outside the ownership of the appellant, nor that there is a reasonable requirement, given the nature of the proposal, to request conformation as to the stability of the land or proposed construction.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR