



Appeal Decision

Site visit made on 8 April 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/A0665/W/24/3354738

Alexandra Park Lodge, Hoole Road, Chester CH2 3NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Stephen Cooper against Cheshire West and Chester Council.
 - The application Ref is 24/01264/FUL.
 - The development proposed is first floor rear extension with roof lights, and extended dormers to both sides.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension with roof lights, and extended dormers to both sides at Alexandra Park Lodge, Hoole Road, Chester CH2 3NN in accordance with the terms of the application, Ref 24/01264/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the header is taken from the appeal form. Whilst different to that on the application form it more accurately describes the proposal.
3. My attention has been drawn to matters related to the sale of Alexandra Park Lodge and the public trust which provides a right for the public to access the land for the purpose of recreation. The existence of a 'public trust' is a material consideration in this case. It is also not disputed that the 2013 sale of the lodge was mishandled, due to not complying with the advertising requirements of s 124 (A) of the Local Government Act 1972. However, it is not the purpose of this appeal to re-litigate this issue. For this reason, I consider the appeal can be determined on the evidence before me, without the need for a hearing or inquiry as requested by interested parties.
4. My attention has also been brought to the Day judgment¹. Nonetheless, this scheme is materially different to the circumstances in Day. This is because in Day, the proposal was to build on vacant land, thereby preventing the public from utilising their rights to access and enjoy that land under the trust. In contrast, there is already a building on the land, and access based on the evidence before me is restricted due to the residential use and enclosed gardens, which would likely have been the case when occupied by the park keeper.
5. Furthermore, in Day, the existence of the trust had been erroneously ignored and not taken into account. In this case, and as noted above, the existence of the trust

¹ R (on the application of Day) (Appellant) v Shropshire Council (Respondent) [2023] UKSC 8

is a material consideration. However, given the clear differences between the circumstances in Day and the historic use of the appeal building as a domestic residence, the weight I attribute to these matters is limited.

Background and Main Issue

6. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council's appeal statement sets out the grounds for refusal had it determined the application related to harm to both designated and non-designated heritage assets.
7. Given the above, the main issue is the effect of the development on the significance of Alexandra Park Lodge as a non-designated heritage asset (NDHA) and whether it would preserve or enhance the character or appearance of the Hoole Road Conservation Area (HRCA).

Reasons

8. The National Planning Policy Framework (the Framework) requires the effect of an application on the significance of a non-designated heritage asset to be taken into account when determining the application. A balanced judgement is required regarding the scale of any harm and the significance of the heritage asset.
9. Alexandra Park Lodge is a modest, detached dwelling constructed of white render and clay tiles. The property is located within the Alexandra Park grounds, adjacent to bowling greens. Despite being set within the park grounds rather than on a principal gateway, the building still holds a prominent exposed position given the presence of the bowling greens and surrounding footpaths. Visibility of the lodge from the surrounding streets is partially restricted, given well-established verdant planted boundaries.
10. The significance of Alexandra Park Lodge as an NDHA is largely derived from its prominent location oriented toward the bowling greens within a modest, partly open plot to which its surviving historic fabric, pleasing architectural composition and arts and craft style design all positively contribute. The introduction of a later single-storey brick rear extension has resulted in a somewhat incongruous addition. However, given its rear location and size, it still allows for an appreciation of the original built form of the lodge.
11. The appeal site is located within the HRCA. As such, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing its character or appearance. I am also mindful of the guidance in the Framework that great weight should be given to the asset's conservation.
12. The significance of the HRCA, particularly this part in which the appeal site is located, is derived from the historic use as a public park with an attractive verdant setting which includes the lodge building, ornate railings, fine entrance points and substantial boundary trees. To the rear of the site are a variety of styles of buildings located down a private road. Dwellings in the wider area also comprise various styles, including those incorporating gables brackets. Consequently, the varying historic layout and forms of dwellings and buildings in the area add to the architectural interest and character of the HRCA.
13. The proposed first-floor extension would incorporate roof lights and extend existing dormers. As a result, it would constitute a modestly sized addition to the existing

dwelling. The extension would incorporate projecting first-floor gallows brackets that would replace the unsympathetic flat-roofed extension and add a characterful feature not uncommon in the surrounding area.

14. Moreover, the design of the upper floor incorporating the gallows brackets would assist in reducing the overall mass of the rear extension. The resultant works would be subordinate in appearance through the incorporation of a lower ridgeline and matching the roof pitch. This would ensure the building can be appreciated as a whole. The main external material finishes would be render and clay tiles, which would all suitably match the appearance of the existing dwelling and would further assist in the assimilation of the development with the host building.
15. Furthermore, owing to the subordinate appearance and position at the back of the property, the extension whilst visible from some public areas, would not compete visually with the vertically proportioned front elevation of the property or the nearby pavilion building. For these reasons, the proposed development would form a sympathetic addition to the existing property as sought by the Council's House Extensions SPD² and the character and appearance of the HRCA would, as a result, be preserved.
16. Consequently, the proposed development complies with Policies ENV 5 and Policy ENV 6 of the Cheshire West and Chester Local Plan Part One and Policies DM 3 and DM 21 of the Cheshire West and Chester Local Plan Part Two. Taken together and amongst other matters, these Policies require developments to be of a high quality in keeping with the host dwelling whilst safeguarding or enhancing both designated and non-designated heritage assets and the character and setting of areas of acknowledged significance.

Other Matters

17. The development would introduce extended dormers and roof lights. However, given the location of the dormers and new windows, which include obscure glazing, they would be a sufficient distance, angle and obscurity to prevent any detrimental harm to the amenity of neighbouring properties through overlooking.

Conditions

18. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in the light of the tests for the imposition of conditions set out within the Framework and the content of the Planning Practice Guidance (the PPG). Having regard to the Framework and the PPG, and in the interests of clarity or precision, I have made some amendments to the Council's suggestions.
19. Condition 1 sets out the standard time limitation. Condition 2 is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
20. Condition 3 is required in the interest of ensuring the external materials of the building are appropriate and in keeping with the character and appearance of the area and the identified heritage assets above. Condition 4 is required for obscure glazing, in order to protect the living conditions of future and neighbouring occupiers with regard to privacy.

² Supplementary Planning Document: House Extensions and Domestic Outbuildings: January 2021

Conclusion

21. The proposed development accords with the development plan as a whole, and there are no material considerations, including the existence of the public trust, which indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

A Hickey

INSPECTOR

Schedule of 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 drawings: A01 Rev 01, SK20 Rev 01, SK15 Rev 01, SK13 Rev 01 and SK14 Rev 01.
- 3) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development 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 samples.
- 4) Notwithstanding the approved plans, before the extension is first occupied the windows in the west-facing (rear) elevation of the development hereby approved shall be obscurely glazed to a minimum Pilkington Privacy Level 3 or equivalent. The window(s) shall be permanently retained in that condition thereafter.

End