



Appeal Decision

Site visit made on 3 May 2025

By S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/A0665/W/25/3360544

1 Abbey Lane, Hartford, Northwich, CW8 1LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr J Thompson against Cheshire West and Chester Council.
 - The application reference is 24/01412/FUL.
 - The development proposed is the demolition of an existing house and the erection of a new detached dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised in December 2024 and amended on 7 February 2025 to correct cross references from footnotes 7 and 8, and to amend the end of the first sentence of paragraph 155 to make its intent clear. The 2025 Framework (the Framework) has not materially changed in terms of the identified main issue below and therefore, it has not been necessary for me to seek comments from the main parties.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

4. The appeal proposal is to demolish the existing dwelling and to replace it with a new detached dwelling. The site is located in a residential area, typically with two storey detached houses and bungalows with established, landscaped, front and rear amenity spaces.
5. There are detached, two storey dwellings that adjoin the appeal site on the same side of Abbey Lane, whereas the bungalows are more separated from it. There are bungalows opposite the site. Overall, and while there are some exceptions, there are views between the buildings above ground floor levels of the sky and landscaping beyond which creates a pleasing spaciousness to the area.
6. On my site visit, I was able to observe that such gaps between buildings are generally absent between Nos.7 and 9 Abbey Lane and where their absence creates a less attractive terracing effect, which is absent elsewhere and where

- single storey side additions allow such views, adding positively to the spaciousness of the area.
7. The detached dwellings generally share a common building line with the existing appeal building and also this group of properties have a similar height and general size.
 8. Collectively, the above factors generally add positively and distinctively to the character and appearance of the area.
 9. The appeal site is situated at the end of the row of dwellings on Abbey Lane and is larger than those of the adjoining properties. However, the existing building itself is not of a comparably greater size to them, such that there is more open land to its sides, and which adds to the spaciousness of the area and to which I have referred.
 10. The replacement two storey dwelling would have a greater length than the existing property and that of the adjoining houses, and would reduce the open, spacious area between it and the adjoining property at No.3 Abbey Lane, to the detriment of the character and appearance of the area. The appellant considers that the proposed dwelling would have a length of approximately sixteen metres compared to adjoining properties where some have lengths of about twelve or thirteen metres.
 11. I appreciate that the footprint of the proposed dwelling as a percentage of the plot size would be comparable to that of adjoining properties, but nevertheless, the proposed dwelling would be greater in size than the neighbouring properties. In addition, it would be sited closer to Abbey Lane than the existing dwelling, creating an overly dominant appearance within the street scene. The inclusion of double height, front facing gables would add to its bulk, and while the applicant has referred to its use in design terms elsewhere, I do not find that it is a feature forming a common characteristic in the immediate street scene bordering the appeal site along Abbey Lane.
 12. The appellant considers that the proposed dwelling would not be prominent in the area and especially when seen from the junction of Abbey Lane and Chester Road because of intervening trees and landscaping. Nevertheless, this would not obscure or reduce its over dominant appearance when viewed from along Abbey Lane itself.
 13. The appellant has referred to developments elsewhere as examples to support the appeal proposal. These include developments at Spring Mount Close, at the Chester Road/Abbey Lane junction, at No. 23 Beach Road, Hartford and at No.80 Townfield Lane, Barton. Reference is also made to dwellings allowed on appeal relating to land off Abbey Lane¹. However, these dwellings are positioned within different contexts. The areas differ from that around the appeal site in terms of their layouts, house sizes and designs. In any event, I have determined this appeal on its individual planning merits.
 14. The appellant has referred to policy DM21 of the Cheshire West and Chester Local Plan (part 2) 2019 (LP2) where its supporting text states that replacement dwellings, as a general guide should not be significantly larger (*'ie more than 30 per cent) than the existing dwelling'*). It is contended that this is not policy and cannot be used to introduce additional policy requirements, but that nevertheless the local

¹ APP/AO665/W/16/3162042

planning authority (LPA), having referred to it in its delegated report, has given it unjustifiable weight in arriving at its decision. However, the policy is not given as a reason for the refusal of the application, and it is not a policy to which I have needed to refer in the determination of the appeal.

15. The appellant has also referred to permitted development rights which might accrue to the existing dwelling under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and which are considered to represent a fall-back position in the consideration of the appeal. However, I have no plans of any such fallback position before me, nor have I any evidence before me to demonstrate that there is a greater than theoretical prospect of permitted development right extensions/additions being constructed if this appeal were to be dismissed. I therefore afford this matter only limited weight in favour of allowing the appeal.
16. Overall, and taking into account the above matters, I consider that the proposed replacement dwelling, by its length, design, bulk, siting and its harmful impact upon the spacious character of area, would not assimilate well into the locality.
17. Therefore, I conclude that the appeal proposal would not accord with policy ENV6 of the Cheshire West and Chester Local Plan (Part 1) 2015 (LP1) or with policy DM3 of LP2, both of which require high quality development which respects local character and appearance.
18. I do not consider that policy STRAT9 of the LP1, as quoted by the LPA as a reason for refusal, to be relevant as it relates to development in the Green Belt and countryside, nor do I find policy DM19 of LP2 to be relevant, again as quoted by the LPA as a reason for refusal, as this relates to development in the countryside or to identified sites in identified settlements which are not designated or allocated for a particular use.

Other Matters

19. In England, biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and where, subject to certain exceptions, development must result in at least a ten percent improved natural habitat than was there before the proposed development.
20. The LPA, in its officer report, states that *'the Council's biodiversity officer for the application commented to state that there were no objections to the application, subject to condition. A condition should therefore be attached to any approval of planning permission to ensure that the mitigation measures in relation to bats are carried out and maintained in line with the information provided with the application'*.
21. I have no information before me as to the base-line biodiversity position for the site as it exists, or indeed, as to whether the site is exempt from the need to provide BNG. However, as I am dismissing the appeal upon other grounds, it has not been necessary for me to pursue this matter any further. This matter does not alter or outweigh my conclusion upon the main issue.

Conclusion

22. There are no material planning considerations that indicate that the application should be determined other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S Hartley

INSPECTOR