



Appeal Decision

Site visit made on 28 May 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/A0665/W/25/3360698

Greenways, Chester Road, Kelsall, Chester, Cheshire West and Chester CW6 0SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Hawkins against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/00844/OUT.
 - The development proposed is erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline. The evidence before me indicates that all matters, including access, are reserved for future consideration. However, during my assessment of the evidence, I note that the appellant states that the proposed dwelling would use the access provided from Old Coach Road. I have assessed the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located within the garden plot of the host property, Greenways. Within the appeal site is a single storey garage structure. This plot is situated between the existing properties which line Old Coach Road and Chester Road. The properties which are located within the immediate vicinity of the site vary in their size, design and form. Garden areas also vary in size between each property. However, expanses of space to the rear are apparent through the gaps created by the back-to-back rear gardens found between the properties along Old Coach Road and Chester Road which immediately surround the appeal site.
5. The appeal is made in outline. As such, at this stage, I must consider whether the plans submitted show acceptable details due to the matters which are reserved. The indicative plans suggest that the proposal would create a dwelling which is larger than the existing garage. This would be within a small site area which is limited by the boundary features of the adjacent properties to which it would be sited close to. As such, this development would appear as a significantly large building which would be confined within a small site area. This would be at odds with the spacious surroundings which immediately border the appeal site.

6. Furthermore, in the immediate location around the appeal site, there is a uniform pattern of development along Old Coach Road and Chester Road. Despite the setbacks of these properties, a strong relationship with the highway and these properties is experienced. This is due to the position and the orientation of these neighbouring dwellings towards the highway. The proposal would create a form of 'backland' development. Whilst the plans are indicative, a building of the size proposed could only be sited in a limited number of ways. From the indicative plans before me, the building would be located away from the highway. It would also be turned away from Old Coach Road and Chester Road. It would therefore not have an immediate relationship with the street scene, unlike its neighbours.
7. As such, the presence of residential properties in confined locations between the dwellings located along Old Coach Road and Chester Road is not a characteristic immediately found in this location. This proposal would work against the immediate pattern of development.
8. Other examples of development have been provided by the appellant. The details of these examples are limited to the application details and a comparison of each submitted location plan with an extract from a different map of the as built structures. No officer report or decision notice have been provided and therefore, I cannot determine the reasoning behind these decisions. The Council note that all but one of these examples predate the adoption of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2). Therefore, it is contended that these examples would have been judged against a different criteria. I am also cognisant that each application must be made on its own merits. Nevertheless, in the interests of completeness, I have assessed each of these examples in turn.
9. My attention is drawn to the development at Edale Drive. Edale Drive is particularly close to the appeal site. The appellant is correct to suggest that there is a higher density of development, with less open garden space in this location. However, despite its proximity, this example is notably different in character to the appeal site. This is due to its large, shared access with formally arranged plots which follow and have a strong relationship with the highway.
10. The example at Half Acre Barn is in an area of a different character to that found at the appeal site. It is bound by dense woodland to the rear and therefore the site is not contained by other residential plots, unlike the appeal site. The example at the land behind Arden Place is situated between Chester Road and Quarry Lane. The key difference here is that in this location, there is a strong arrangement of dwellings sited in-between Chester Road and Quarry Lane. This is due to the development of Swallow Drive immediately behind this example, unlike the appeal site. The bungalow which fronts onto Chester Road is known as The Robins. Whilst I recognise that this dwelling is within a plot which is smaller than its neighbours, this is characteristically different to the appeal site due to its position adjacent and facing position towards the highway.
11. The example known as Caireal is sited in a lane which provides access to several other properties which are not in a uniform layout. This is unlike the immediate vicinity of the appeal site and as such, is a key difference between the appeal proposal and this example. The example at Chester View demonstrates a development in a location where there is a significant gap between the properties along Quarry Lane and Waste Lane. This is unlike the appeal site which would be

situated within a small space amongst the garden spaces of neighbouring properties. A further example is provided at Broom's Lane. This example of the property towards the rear is different to the appeal site due to the open expanse behind Broom's Lane where greater space is afforded to the dwelling under consideration in this example.

12. It is suggested that the utilisation of permitted development rights could extend the existing garage structure or erect further outbuildings within the garden area of Greenways. No lawful development certificate appears to have been provided to demonstrate that this is indeed a possible fallback position. In addition, this would not create a form of development for which permission has been sought. As such, in my view, there is no real prospect of this being implemented. I therefore ascribe limited weight to this matter in my decision.
13. To conclude, the proposal would conflict with Policy ENV6 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (LP1) and Policies DM19 and DM21 of LP2. These policies collectively seek to ensure that development proposals are respectful of the local character and achieve a sense of place through an appropriate layout and design.

Planning Balance and Conclusion

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework indicates that a decision should be taken in accordance with the development plan.
15. I acknowledge that the proposal would provide an additional unit to the supply of housing in the village of Kelsall. Each home matters, and therefore, I ascribe moderate weight to this consideration.
16. There would be some limited construction and ongoing economic and social benefits from the provision of one dwelling. Owing to its indicative single storey form, this would be suitable for elderly future occupiers. The appellant does suggest that existing trees and hedgerows within the site would be retained and sustainable construction measures would be employed. These matters are limited, yet positive benefits of the proposal. I give no weight to the compliance with normal development management policies regarding matters such as access to services, parking provision, the provision of amenity space, amongst other normal development management matters.
17. In my overall consideration of the scheme, these benefits do not outweigh the harm I have found above in relation to the matter of character and appearance. The scheme would conflict with the Development Plan when taken as a whole. There are no material considerations that indicate that decision should be made other than in accordance with the Development Plan.
18. Therefore, for the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR