



Appeal Decision

Site visit made on 21 March 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2025

Appeal Ref: APP/R0660/W/24/3356462

Land at 332, West Street, Crewe CW1 3HU

- 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 J Orton against the decision of Cheshire East Council.
 - The application Ref is 24/1210N.
 - The development proposed is erection of 7 dwellings (Use Class C3), including pedestrian access, drainage, landscaping and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The applicant was initially listed as C/O Agent on the application form, but it was later confirmed that the name of the applicant was Mr J Orton and that the appeal was proceeding in their name. As such, I have used that name in the banner heading.

Main Issues

3. The main issues relevant to this appeal are:
 - the effect of the proposal upon the living conditions of the future occupiers of the development with regard to privacy and private amenity space as well as existing occupiers nearby regarding privacy.
 - the effect of the proposal upon highway safety.
 - the effect of the proposal upon the character and appearance of the area; and
 - whether the proposed development would make adequate provision for biodiversity net gain.

Reasons

Living Conditions

4. The appeal site is located on West Street which is a predominantly residential area. Opposite the site is a group of two storey terrace dwellings and there is a three-storey apartment building neighbouring the appeal site. The proposal intends to erect three terrace dwellings (plots 1-3) facing towards the terrace dwellings on West Street opposite the site and these would be two storey buildings with room in the roof and front facing dormer windows. Further within the site would be another

group of three terrace properties (plots 4-6) and the rear elevation and gardens of these dwellings would face towards the apartment building. There would also be a bungalow located towards the rear of the site (plot 7).

Privacy

5. Policy HOU13 of Cheshire East Local Plan – Site Allocations and Development Policies Document (SADPD) states that proposals for housing development should generally meet the standards for space between buildings as set out in Table 8.2 ‘Standards for space between buildings’, unless the design and layout of the scheme and its relationship to the site and its characteristics provides an adequate degree of light and privacy between buildings. It also states that the distances in Table 8.2 should be seen as a minimum where it impacts on existing property. Table 8.2 states that for one to two storey buildings 18 metres(m) is the standard space between front to front facing buildings and 20m for three storeys and upwards. For back-to-back facing buildings 24m is the standard for buildings that are three storeys tall.
6. Based on the information before me, regardless of whether the dwellings were considered to be two or three storey properties, the front-to-front distances between plots 1-3 and the houses opposite would be around 15m and thus below the standards set out in Table 8.2.
7. The appellant cites nearby examples with front-to-front distances below those in Table 8.2, including new builds facing existing dwellings. Therefore, there is evidence that the standards do not necessarily have to be applied rigidly in all cases and the wording of the policy does support this approach.
8. The separation distances between plots 1-3 and the dwellings opposite would not fall significantly below the standards set out in Table 8.2. Furthermore, given that these rooms would be within the front elevation of the houses and separated by a road there would be sufficient distance between these buildings to ensure adequate privacy would be maintained for the occupiers within the affected buildings, even when taking into account the dormer windows within the front roof slopes.
9. The rear elevations of plots 4-6 would face towards the three-storey apartment building next to the appeal site. Whilst there is a dispute between the parties over the exact distances between the proposed and existing buildings, taking the appellants figures of between 15-19m the back-to-back elevations would be significantly below the standard for three storey buildings.
10. The rear elevations of the apartment building and plots 4-6 would be angled towards each other and in those instances, the Cheshire East Design Guide Supplementary Planning Document: Volume 1 (Volume 1) states that if this an oblique angle the distances can potentially be reduced. A number of supplementary guidance for other Council’s has been provided to support the case that the apartment building is at an oblique angle to plots 4-6. Whilst these set specific angles to determine what is an oblique angle it would appear that the purposes of those parts of the documents would be the same as Volume 1, regardless of how specific they are regarding what an oblique angle would be. Given the siting the apartment building in relation to the proposed development it is at an oblique angle to where plots 4-6 are proposed. However, there would still

be opportunities to overlook those plots from the apartments and vice versa given the limited distances between them.

11. Based on the information before me plot 4 would be located significantly closer to the apartment building than the standard set out in Table 8.2 for back-to-back distances. Furthermore, the apartment building is a three-storey property and as such those on the second storey would have a higher angled view of the rear of this property and its rear garden. Whilst plot 5 would be located slightly further away, the rear of this property and its garden would still be overlooked by the occupiers within the upper storeys of the apartment building. As a result, plots 4 and 5 would have private spaces overlooked from nearby apartment windows from a limited distance.
12. The proposed first-floor rear rooms and apartment windows would overlook each other, reducing privacy. This would create internal and external living environments that would fail to provide adequate privacy for the occupiers of plots 4 and 5, and this would significantly harm their living conditions. Additionally, the occupiers within the apartments would also be overlooked from the first-floor rear rooms of plots 4 and 5 which would result in a loss of privacy for those occupiers who are currently not overlooked by any properties as closely sited and those proposed, given the layout of existing development nearby. This would fail to provide an adequate degree of privacy and would have an unacceptably harmful effect upon their living conditions.
13. Plot 6 would be located further away from the apartment building and the distances involved and the angle between this plot and the apartment building would ensure the occupiers would not be harmfully overlooked. Nor would they overlook the neighbouring apartment building to the point where the development would harm their living conditions.

Private Amenity Space

14. Policy HOU13 of the SADPD states that housing development should generally include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development. The policy does not stipulate that the gardens should be a specific size. However, The Council's Development on Backland and Gardens Supplementary Planning Document (SPD) recommends a minimum garden area of 50 square metres(sq.m). Plots 2, 3 and 5 would have gardens below the SPD's 50sq.m recommendation.
15. While the SPD may predate the National Planning Policy Framework (The Framework), the Cheshire East Local Plan (LP) and the SADPD, the Framework requires developments to provide a high standard of amenity for future occupiers and the SPD is consistent with this.
16. Plots 2, 3 and 5 would be three-bedroom properties and, therefore, could be occupied by families. As such, there would need to be space for children to play, as well as space for socialising, relaxing, hanging out washing including space for bins and sheds. Whilst a refuse and recycling storage area is proposed near to West Street within the appeal site, the occupiers would still likely need to store refuse and recycling bins in the house or garden.
17. Whilst these gardens would be slightly below the standards set out in the SPD, they would be rectangular shaped gardens with adequate space to undertake

typical garden activities to meet the day-to-day needs of the occupiers of a three-bedroom family dwelling. However, when taking into consideration concerns regarding the overlooking of plot 5's garden the layout of the development would not secure an appropriate quality of private amenity space for plot 5 which would detrimentally affect the occupiers' enjoyment of this space.

18. Concerning the application at land off Close Lane, Alsager, the Council acknowledged that several of the properties would provide gardens below the standards sets out in the SPD but determined that the benefits of the proposal outweighed the harms, which included the substandard garden sizes. I have limited detail regarding the development at Bessemer Way but based on the information before me this related to a larger scheme and it is possible that the Council took the same approach in that instance as well. Each case must be determined on its own merits and there can be circumstances where harm arising from gardens that are below the standards in the SPD may be outweighed by other matters.
19. The appeal site is previously developed land and there is support in local and national policy to deliver new development on such sites, this, however, is a matter to be taken into consideration in the planning balance later in this decision. Similarly, matters related to the consistency of policies in the development plan with the Framework are to be considered later in this decision.
20. Therefore, for the reasons given above, the development would harm the living conditions of the future occupiers of the development as well as existing occupiers nearby and would conflict with Policies HOU10, HOU12 and HOU13 of the SADPD and Policies SD1 and SD2 of the LP. These policies state, amongst other matters, that housing developments should provide adequate privacy between buildings as well as appropriate quantity and quality private amenity space.
21. Whilst the appellant questioned the relevance of policies SD1 and SD2 of the LP, these policies are relevant to this matter, insofar as they seek to provide a locally distinct, high quality, sustainable, well designed and durable environment as well as consider relationship to other properties. For the reasons given above, the development would not accord with these.

Highway Safety

22. The appeal site is located off West Street and near to the site is a signalised junction with several different roads. The proposal would deliver seven dwellings and there would be no internal road or car parking spaces provided on site for those dwellings, although cycle storage would be provided on site.
23. Appendix C of the LP sets out the parking requirements for residential developments in the borough. It is not disputed by the main parties that Crewe is identified as a Principal Town and Appendix C states that for two and three-bedroom dwellinghouses two spaces are required as a minimum per dwelling. Given that the development would not provide any on site car parking spaces the development would not comply with the car parking standards sets out in Appendix C. However, the LP states that the Council will accept representations to vary from car parking standards on a site-by-site basis with reference to evidence obtained locally or from a suitable data source outlining predicted parking profiles that would allow departures from the Standards set out in Appendix C.

24. I have been directed to the Lower Super Output Area as defined in the Office of National Statistics that includes the appeal site and the census data for this area identifies that approximately a quarter of the households had no cars and around a half had one car and the rest two or more cars. Based on this data the Council identify that it is likely that seven cars would be owned by the occupants of the development. As such, this evidence identifies that at least seven car parking spaces should be provided on site.
25. The appellant has provided the data for an Output Area that covers a smaller more defined area including the appeal site showing that around half of households do not own a car or van in this area. The appellant identifies that within the Output Area car or van ownership is lower or similar to some Output Area's in Crewe town centre.
26. The appeal site is located relatively close to the town centre, and it would be possible to travel using modes of transport other than the private car. However, as most dwellings would have three bedrooms, households are likely to own multiple vehicles, and this is supported by the Lower Super Output Area data which covers an area that predominantly has houses in it. While aiming to support car-free living, based on the information before me, the development would still likely generate demand for around seven parking spaces.
27. As noted, near to the site is a signalised junction and there are parking restrictions along parts of West Street nearby and on the surrounding roads. There are roads near to the appeal site that have limited or no parking restrictions and whilst my visit was only a snapshot in time, it appeared that vehicles were regularly parked on them, and this is supported by the comments from interested parties. It was also apparent from the parking conditions noted during my site visit that the nearby local businesses generate additional vehicle movements from customers and staff.
28. It is evident from comments from interested parties and from the Council that on road vehicular parking in the area is a significant issue causing highway safety concerns. These roads appear to already well used for parking purposes, based on the information submitted. As such, on balance it is not clear that the surrounding roads could accommodate the additional vehicles from the occupiers of this development, as well as those visiting, without causing additional congestion and highway safety issues.
29. The increased competition for scarce spaces would be likely to result in extra travel, with drivers cruising nearby streets seeking available spaces and with attention diverted towards finding somewhere to park rather than on the road conditions. These matters lead me to conclude that there would be significant harmful road safety implications arising from this proposal. This would lead to increased instances of dangerous and obstructive parking, to the detriment of the free flow of traffic.
30. The appellant has identified several applications where the Council has permitted development without any car parking on site or below the standards set out in Appendix C of the LP. Whilst I do not have detailed information about each of these cases, based on the information before me several of the applications related to conversions of existing buildings where the existing parking provision was a material consideration¹. The scheme before me is for seven new residential

¹ Application Reference: 21/2386N; 21/4265C; 22/4743M and 20/3505M

dwellings and as such, the existing parking provision is not a matter before me. The site at London Road related to a proposed employment use which varies from the development proposed². Additionally, this scheme, alongside several others were identified as being located close to train stations which this site is not. While the development at Brook Street³ provided parking provision below the standards, it did provide some parking on site and again was identified as being located close to a train station. These considerations have led me to come to a different conclusion on this matter.

31. Therefore, the need for off street parking spaces would be essential and the lack of parking provision on site would have an unacceptable impact on highway safety and thus the proposed development would conflict with Policies SD1 and CO1 of the LP and HOU12 and INF3 of the SADPD. These state, amongst other matters, that development should provide sufficient car parking in accordance with adopted highway standards and that developments should not have an unacceptable impact on highway safety.

Character and Appearance

32. The appeal site sits between larger buildings set back from the road, behind car parking and open space. In contrast, the wider area is characterised by dense, street-facing terraced housing. Nearby buildings vary in height, with two-storey terraces opposite and taller apartment blocks nearby. Most buildings are built using red brick with dark tiled roofs. Within the area there are dwellings with dormer windows within the front or rear roof slopes. The variation in the design and scale of buildings nearby gives the area a mixed residential character.
33. The buildings on the same side of the road near to the appeal site are larger buildings set back from the road and this does create an openness around those properties which contributes towards reducing the enclosing effect of the terrace development on the opposite side of West Street. There are currently no buildings on the appeal site and the openness of the site does positively contribute towards this feature of the area.
34. The proposed development would include three terrace properties along the frontage similar in appearance to other terrace properties nearby, although these would have front facing dormer windows. The materials proposed and the form of these houses, including the low-level boundary wall, would be sympathetic to the development in the area and particularly the terrace development on West Street. While the houses opposite do not have front facing dormer windows, they are not uncommon in the wider area and thus would not appear out of character in this context. Plots 1-3 would be taller than the two storey terrace dwellings opposite but given the siting of these properties between the larger buildings either side of them and in the context of the much taller apartment buildings nearby, the height of the houses would not appear stark or poorly contrasting.
35. Within the wider context, the siting of the three houses close to the roadside would not appear out of character with the terrace development nearby. However, taking into consideration the limited size of the site and the surrounding development, the density and layout of the scheme would be efficient in the extreme, resulting in a cramped form of development. The overdevelopment would be particularly evident

² Application Reference: 17/4952M

³ Application Reference: 22/1381N

to the rear of the site with the flank wall of plot 4 facing towards the roadside which would not present an active frontage addressing the road like most development in the area. This would be visible within the street scene given the layout of the proposed and surrounding development. Due to the built form, the appreciated depth of the development with limited space around and between the dwellings, the proposal would appear cramped within the site.

36. The absence of an internal road and the modest garden sizes would mean most of the site would be built over. Landscaping and tree planting would do little to soften the intensity of the layout, which would appear overdeveloped. The result would be a tightly packed scheme dominated by hard surfaces, boundary treatments and storage areas. The redevelopment of this site would evidently result in the loss of the open character of it, but the intensity of the development would erode the positive effect the openness around the buildings along this side of the road contributes towards the character and appearance of the wider area.
37. The density of the development would be greater than the recently built development nearby and whilst the appellant notes that the terrace dwellings opposite have been built to a higher density, that development was likely built a significant time ago. However, it is not necessarily that the development would have a greater density than that around it, it is the layout which would make the scheme appear more intensive within the site in a manner that would conflict with the prevailing arrangement of buildings and spaces. While the Government does support development built to a higher density this should not be done to the detriment of other matters such as requiring development to function well and add to the overall quality of the area.
38. The Framework sets out that decisions should support development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting and for the reasons given above, this scheme would fail to do this.
39. Whilst the landscaping on site could be conditioned, given the identified concerns with the design and density of the scheme, it is not evident that landscaping would overcome the above concerns.
40. Therefore, for the reasons given above, the proposal would harm the character and appearance of the area and would be contrary to Policies SD1, SD2 and SE1 of the LP, and Policies GEN1 and HOU10 of the SADPD. These seek, amongst other matters, for development proposals to make a positive contribution to their surroundings in terms of creating a sense of place, managing design quality, sustainable urban, architectural and landscape design.

Biodiversity Net Gain

41. The timeline of the application is such that the development would be exempt from biodiversity net gain requirements as set out in the Environment Act 2021 for developers to provide quantified evidence of at least a 10% net gain in biodiversity prior to the discharge of a pre-commencement condition that secures the biodiversity gain objective. However, Policy ENV2 of the SADPD requires that development proposals should provide a net gain for biodiversity in line with the expectations of national policy and must be supported by a biodiversity metric calculation. The policy does not make exceptions for previously developed land and thus it is applicable to schemes on such sites.

42. A biodiversity metric calculation has been undertaken for the appeal site which identifies that the proposed development would result in a net loss of biodiversity amounting to 0.83 biodiversity units. This calculation was based upon tree planting within gardens and Government's guidance in respect of Mandatory Biodiversity Net Gain introduced by the Environment Act advises that when undertaking the metric assessment new habitats in gardens should not be recorded. While acknowledging that the site is not subject to mandatory biodiversity net gain, Policy ENV2 does state that development proposals should provide a net gain for biodiversity in line with the expectation of national policy and thus the guidance is of relevance in this instance.
43. The appellant comments that they would be content to provide a commuted sum agreement with the Council to provide biodiversity net gain. They have also provided the wording for a Grampian condition to secure a net gain prior to development taking place.
44. A Grampian condition could be used to require works on land that is not controlled by the appellant but the Planning Practice Guidance (PPG) states that this should not be used where there are no prospects at all of the action being performed. Taking into consideration the evidence before me it is not clear that there would be no prospect at all that the scheme could not achieve a biodiversity net gain to warrant withholding approval of the development, on this matter.
45. Assurance in this respect would be provided through the imposition of a suggested condition which would require a biodiversity net gain plan to be prepared and submitted for approval to the Council prior to the commencement of the development.
46. Therefore, subject to a suitability worded planning condition the proposed development would provide a net gain for biodiversity in line with the expectations of national policy in accordance with Policy ENV2 of the SADPD. The scheme would also accord with Policy SE3 of the LP and Policy ENV1 of the SADPD. These state, amongst other matters, that all development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement of biodiversity.

Other Matter

47. I am aware that the appeal site is located close to the Church of St Barnabas and St Barnabas' Vicarage⁴ which are both Grade II listed buildings. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the setting of those buildings. The special interest and significance of the buildings is derived in part from their architectural interest and well as their historic and current use. In light of their close physical relationship as well as related uses the two buildings have a group value which positively contributes towards the setting of these buildings. Given the distance between the appeal site and these buildings as well as intervening buildings and vegetation the development would preserve the setting of these listed buildings and the contribution the setting makes to their significance. I note the Council has no concerns in this regard either, however the lack of harm in this respect does not alter my overall conclusions on the main issues.

⁴ List Entry Number: 1330053 & 1138683

Planning Balance and Conclusion

48. The Council has identified that it can only demonstrate a 4.6 years supply of housing land. Accordingly, paragraph 11d) of the Framework states that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
49. The site is located near to services and facilities that could be accessed via transport modes other than the private car and the scheme would include electric vehicle charging points for bicycles on site to support this. The proposed development would deliver seven dwellings, and the Framework identifies that small and medium sized sites can make an important contribution towards meeting the housing requirement of an area. Taking into consideration the shortfall in housing supply these would make a modest contribution towards the Council's housing land supply as well as support the Government's objective of significantly boosting the supply of homes.
50. There would be long term and short-term economic benefits during construction as well as from the ongoing patronage of services and facilities in the area by the occupiers of the development. The occupants would also contribute towards the social fabric of the area. In light of the modest scale of the proposal, I attribute modest weight to these benefits in favour of it.
51. Subject to a suitably worded condition the development could achieve biodiversity net gain. Given that the specific net gain has not been demonstrate at this time, the benefits I attribute to this in favour of the development are very limited.
52. The Framework identifies that substantial weight should be given to using suitable brownfield land within settlements for homes. However, given the harm identified, it has not been demonstrated that the site is suitable for the residential development proposed.
53. The appellant notes that the dwellings would comply with the Nationally Described Space Standards, however whilst this is not a policy requirement this would generally be expected of any development and the provision of adequately sized internal space weighs neither for nor against the development.
54. The proposed development would harm the living conditions of the future occupiers of the development and nearby residents. It would also harm highway safety and the character and appearance of the area. As a result, the development would conflict with the relevant development plan policies.
55. Policies HOU10, HOU12 and HOU13 of the SADPD and Policies SD1 and SD2 of the LP state that housing developments should provide adequate privacy between buildings as well as appropriate quantity and quality private amenity space, amongst other matters. These are consistent with paragraph 135 f) of the Framework which states that developments should create places with a high standard of amenity for existing and future users.
56. Policies SD1 and CO1 of the LP and HOU12 and INF3 of the SADPD state, amongst other considerations, that development should provide sufficient car parking in accordance with adopted highway standards and that developments should not have an unacceptable impact on highway safety. These are consistent

with paragraph 116 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

57. Policies SD1, SD2 and SE1 of the LP, and Policies GEN1 and HOU10 of the SADPD state that development should make a positive contribution to their surroundings in terms of creating a sense of place, managing design quality, sustainable urban, architectural and landscape design as well as other relevant matters. These are consistent with paragraph 135 a) of the Framework which states that developments should function well and add to the overall quality of the area.
58. The benefits of the development would attract moderate weight, even taking into account the shortfall in the Council's housing land supply. The harm that would arise from the development to the living conditions of the future occupiers of the development and nearby occupants, as well to highway safety and the character and appearance of the area weighs significantly against allowing the appeal.
59. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and having particular regard to the policies referenced in footnote 9. Consequently, the presumption in favour of sustainable development does not apply.
60. The proposed development would conflict with the development plan and the material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR