



Appeal Decision

Site visit made on 28 October 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/A0665/D/25/3371372

139 Ashton Drive, Frodsham, Cheshire West and Chester WA6 7PU

- 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 Nathan Waterworth against the decision of Cheshire West and Chester Council
 - The application Ref is 24/03684/FUL.
 - The development proposed is described as a single storey side extension, new vehicular access, and raised decking.
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Decision

1. The appeal is dismissed insofar as it relates to the single storey side extension.
2. The appeal is allowed insofar as it relates to the remainder of the application, and planning permission is granted for a new vehicular access and raised decking at 139 Ashton Drive, Frodsham, Cheshire West and Chester WA6 7PU in accordance with the terms of the application, Ref: 24/03684/FUL, so far as relevant to that part of the development hereby permitted, subject to the following conditions:

1) The development hereby permitted shall be carried out in accordance with the following approved plans so far as they relate to the new vehicular access and raised decking only. The plans are referenced:

Location Plan (dated 10-Dec-2024)

1224/PL/001 Rev A – Block Plan as Existing and Proposed

1224/PL/002 Rev A – Floor Plans as Existing

1224/PL/003 Rev A – Elevations as Existing

1224/PL/005 Rev A – Floor Plans as Proposed

1224/PL/006 Rev A – Elevations as Proposed

1224/PL/007 Rev A – Visualisation as Proposed

Preliminary Matters

3. On my site visit, I observed that the raised decking had commenced and was close to completion. Permission is therefore sought retrospectively for this part of the development. I am satisfied that what has been carried out is in general accordance with the plans before me. I have considered this part of the appeal based on what I saw on site and the submitted plans.

4. The appeal relates to a single storey side extension, new vehicular access, and the raised decking referred to above. However, the application was refused permission by the Council due to design concerns relating to the proposed single storey side extension only.
5. The raised decking is a modest addition to the rear of the property. Its scale and siting results in a visually subservient addition to the host dwelling. While the decking raises the level of the outdoor living space, the increase in height is not so significant that it would result in adverse levels of overlooking into the garden space of the neighbouring property. Therefore, the living conditions of the occupiers of neighbouring properties would not be adversely affected. The proposed vehicular access would be provided from Ashton Drive to the rear of the dwelling. This would allow for access to an off-street parking space. No objections have been raised by the Highways Authority with regard to this, and I have no reason to disagree. I am therefore in agreement with the conclusions of the Council with regard to the raised decking and vehicular access.

Main Issue

6. Based on the above, the main issue is the effect of the single storey side extension on the character and appearance of the dwelling and surrounding area.

Reasons

7. The appeal dwelling is a two-storey end terraced property with brick elevations and a tiled gable roof. The dwelling is located on a corner plot at the junction of Ship Street and Ashton Drive. The flank elevation of the dwelling is set away from Ship Street behind a side garden. The rear elevation of the dwelling is set away from Ashton Drive behind a rear garden. The side and rear garden space is enclosed by close board fencing, with hedging behind.
8. The surrounding area is predominantly residential in character. Like the appeal dwelling, a number of terraced rows are positioned perpendicular to Ship Street. These are set back from the highway behind areas of open green space. On the opposite side of Ashton Drive is a row of terraced properties which face towards Ship Street (Nos.244 to 256). These are also set back from the street behind front gardens and driveways. The pattern of development in the area, comprising two storey development which is set back by some distance from Ship Street, provides a general sense of openness along this part of the street. On the opposite side of Ship Street is a primary school and playing fields adjacent. These uses also contribute towards the general sense of openness along this part of the street. There is also a slight gradient along Ship Street with land levels dropping towards Nos.244 to 256.
9. The proposed single storey extension would be positioned to the side of the dwelling. Its depth would match that of the existing dwelling, while it would have a consistent gable roof design which would be set lower than the existing roof by some distance. The degree of projection to the side would be more than half the width of the existing dwelling.
10. The highly prominent location means that the extension would highly visible within the street. The sideward projection would be significant, filling a large proportion of the undeveloped gap between the dwelling and Ship Street. The extent of coverage

across the plot width would bring development much closer to the side boundary. Consequently, the extension would erode the general sense of openness along this part of the street. In addition, the extension would have no visual association to other built form of a similar nature. Therefore, the extension would appear as an isolated protrusion of built form within the streetscene. As such, the extension would result in a prominent addition to the dwelling, which would fail to reflect the general pattern and form of development in the area.

11. I note the presence of a close board fence around part of the site. The fence appears to be of recent construction and I am unclear of its lawfulness. While this creates a slight anomaly within the street, it has not undermined the general pattern and grain of development created by the off-set of dwellings away from Ship Street. The fence would only partially screen the lower parts of the development when viewed from closer proximity. The height of the extension and its close proximity to the boundary would mean that it would project, by some distance, above the height of the fence. In more distance views along Ship Street, the gradient of the road would mean that the extension would be seen projecting above the fence by an even greater degree. Therefore, I consider that the fence would do little to lessen the effects of the development on the character and appearance of the area.
12. I acknowledge that the appellant indicates that the extension would be sited more than 2m from the site boundary. This, presumably, is with reference to the guidance for development on corner plots as set out in the House Extensions and Domestic Outbuildings Supplementary Planning Document¹ (the SPD). However, the SPD is guidance only and, in any event it confirms that this standard excludes “for example service strips or verges” (emphasis added). My reading of the guidance is that this is not a closed list of excluded scenarios. Given my observations regarding the existing pattern of development, I consider that applying the 2m spacing standard in this context does not address the design concerns that I have identified.
13. For the above reasons, the single storey side extension would have a harmful effect on the character and appearance of the existing building and surrounding area. The development therefore conflicts with Policy ENV6 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015) and Policies DM3 and DM21 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019). These, amongst other things, seek to deliver development which achieves high quality design.

Conditions

14. As part of the development has commenced it would not be necessary to attach the standard commencement condition. However, a condition requiring the approved parts of the development to be completed in accordance with the submitted plans is required for certainty.

Conclusion

15. The element of the scheme with which I take issue is severable from the remainder of the proposal. Therefore, having regard to all matters raised, I conclude that the appeal should be dismissed in relation to the single storey side extension.

¹ Paragraph 4.8

However, the appeal should succeed in relation to the new vehicular access and raised decking.

D Cleary

INSPECTOR