

Appeal Decision

Site visit made on 12 September 2016

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2016

Appeal Ref: APP/W4325/W/16/3151810
62 Sparks Lane, Thingwall, Wirral CH61 7XQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss Sally Heyworth against the decision of Wirral Metropolitan Borough Council.
 - The application Ref OUT/15/01131, dated 4 August 2015, was refused by notice dated 13 January 2016.
 - The development proposed is the erection of two detached dwellings in the rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was submitted in outline with all detailed matters reserved for a future application, although an indicative site plan has been submitted.
3. Policies HS4 and HS10 of the Wirral Unitary Development Plan (UDP) are concerned with the design of new housing development on allocated sites, primary residential areas and on backland sites. I acknowledge the appellant's point that the policies pre-date the National Planning Policy Framework (the Framework). Nonetheless, I consider both policies to be consistent with the core planning principles of the Framework. I therefore consider these policies attract full weight having regard to paragraph 215 of the Framework.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of occupants of 62 and 64 Sparks Lane and 17 and 23 Howards Road, having regard to the proposed access and whether occupants would be likely to experience acceptable living conditions in terms of noise, disturbance, privacy and their safety or perception of safety; and
 - the living conditions of 58 and 64 Sparks Lane and 17 and 23 Howards Road, having regard to privacy;
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Reasons

Character and Appearance of the Area

5. The appeal site is located in an established suburban residential area. The site is currently occupied by No 62, which is a two storey detached dwelling accompanied by a number of outbuildings set within a long verdant plot that extends between Sparks Lane and Howard Road. The appeal site is longer than those associated with adjoining dwellings and it has changed very little over time. The rear gardens of Nos 17, 23, 58 and 64 extend alongside the appeal site's flank boundaries. Cumulatively they form a spacious secluded setting, despite the subdivision of a number of neighbouring plots over time and the closer form of development elsewhere on Sparks Lane, Howards Road and Nurse Road. Notably, the site's topography gently rises between Sparks Lane and Howards Road.
6. The proposal would subdivide the site into three. Despite the subdivision of neighbouring plots over time, those adjacent to the appeal site have only been split into two. This has resulted in dwellings at either end of the plots facing Sparks Lane and Howards Road respectively. Dwelling 1 and No 62 would retain this characteristic and pattern of development. Whilst residents either side of dwelling 1 raise concern about the proximity of the dwelling to their boundaries for privacy and maintenance reasons, I concur with the view expressed by the parties that it would reflect the character of the area.
7. By introducing a dwelling in the middle section of the site it would, despite the dormer bungalow erected to the rear of 68 Sparks Lane, depart from the pattern of development established in the adjacent plots. As a result, the proposal would further subdivide the spacious garden setting that the site and the adjoining plots provide. I appreciate that the site is not designated, but the low density form of development is a particular characteristic that makes up the areas distinctiveness. This would be fundamentally altered by the proposal. By subdividing the site into three it would, despite the outdoor space that would surround each dwelling, be a detrimental change to the areas spacious character which has been retained despite historic development.
8. For these reasons, I conclude on this issue that the development would detrimentally change the character of the area. It would be contrary to Policies HS4 and HS10 of the UDP, Supplementary Planning Guidance Note 10 (SPG10) and paragraphs 17 and 60 of the Framework. These policies and guidance seek to ensure new housing development does not detrimentally affect the character and appearance of the area despite the presence of a large garden.

Living Conditions of 62 and 64 Sparks Lane and 23 Howards Road

9. The indicative access from Sparks Lane would extend between the flank elevations of Nos 62 and 64 before proceeding alongside the rear gardens of Nos 23, 62 and 64. Vehicles and pedestrians would use the access to enter and leave the three dwellings. The length of the indicative access is substantially beyond the length relied upon to access the bungalow to the rear of No 68. Given the length of the access, despite potential passing places being formed, vehicles would be required to travel up to dwellings 1 or 2 in order to turn around.

10. Rear facing windows can be found in the ground floor and in the roof space in Nos 23 and 64, whilst No 62 has rear facing windows on the ground and first floors. Mature landscaping including several trees supplement the boundary fence demarcating the boundaries of Nos 62 and 64. The landscaping would be lost as a consequence of the proposed layout.
11. Vehicles especially would pass along the access in either direction close to Nos 23, 62 and 64, but especially to the front, side and rear of Nos 62 and 64. SPG10 sets a minimum distance of 4 metres to blank gable or non-habitable rooms so that the use of the access does not significantly affect the living conditions of neighbours through noise, disturbance or a loss of privacy. The distance from the access to Nos 62 and 64 would fall well short of this minimum figure. Although precise details of dwelling 2 are not before me, it is also very likely due to the site's width that an access would also extend within the minimum distance of SPG10 of this dwelling.
12. The number of additional vehicle and pedestrian movements would be proportionate to the two new dwellings, but these would also include visitors and any deliveries or services associated with the dwellings. I recognise the number may not be significant, but their number would be greater than those attributed to the bungalow behind No 68. The movements coupled with the sub-standard distance to Nos 62 and 64, would profoundly alter the existing relationship that contributes towards the secluded environment of the appeal site. This would lead to serious potential for residents living conditions to be significantly affected through noise, disturbance and a loss of privacy.
13. An acoustic fence may lessen noise and disturbance. However I am not satisfied that there is sufficient room for an acoustic fence, meaningful landscaping and passing places all to be accommodated alongside the access and adjacent to Nos 62 and 64 to comprehensively address noise, disturbance and privacy arising from vehicular and pedestrian movements.
14. Wide landscaped gardens are to the rear of Nos 17 and 23. Hedgerows line the boundary of the site with these properties. In conjunction with planning conditions to secure an acoustic fence and additional planting, I do not consider occupants in these dwellings would be adversely affected by noise, disturbance and a loss of privacy as the number of vehicular and pedestrian movements would be less than those next to Nos 62 and 64, whom I consider would be significantly affected.
15. Thus, on this issue, I conclude that the development would significantly affect the living conditions of the occupants of Nos 62 and 64, in terms of noise, disturbance and privacy. The proposal would be contrary to Policies HS4 and HS10 of the UDP, SPG10 and paragraph 17 of the Framework. These policies and guidance together seek to ensure new housing development is capable of providing satisfactory vehicular access that does not result in undue noise, disturbance or privacy for neighbouring occupants.

Living Conditions of 58 and 64 Sparks Lane and 17 and 23 Howards Road

16. The rear gardens of Nos 17, 23, 58 and 64 all extend towards the centre of the appeal site. Each garden is landscaped, with party boundaries lined by hedgerows, shrubs and or trees. Each adjacent dwelling has rear facing windows that overlook the centre of the appeal site. Many are clear glazed.

17. Dwelling 2 is indicatively shown in the central section of the appeal site. A house in this part of the site would be in reasonable proximity to neighbours gardens. Undoubtedly the presence of a dwelling in the central section of the site would change the existing secluded relationship afforded by gardens backing onto each other. Even so, views to and from dwelling 2 would be from afar and they are disrupted by landscaping, in particular within the rear gardens of No 23, 58 and 64. Also, interface distances would be significantly in excess of the 21 metre standard found in SPG10.
18. Therefore, subject to suitably worded planning conditions to control the scale of dwelling 2, the obscurity of particular windows and to secure additional planting, residents would retain their privacy and prevent a dwelling in the centre of the site from appearing dominant, especially given the level differences evident on site. They would also address the specific concerns raised around the presence of domestic paraphernalia.
19. On this issue, for the reasons set out above, I conclude that the proposed development would comply with Policies HS4 and HS10 of the UDP, SPG10 and paragraph 17 of the Framework.

Other Matters

20. Concerns are raised by residents in respect of the loss of wildlife habitats and drainage, however as no evidence has been provided, I can attach these matters little weight. I also note reference has been made to an application in 1985 being refused, however planning policy has changed significantly since this time and I have determined this appeal in accordance with the development plan unless material considerations have indicated otherwise.

Conclusion

21. Even though I have not found harm in respect of the third main issue, I do not consider this to outweigh my findings on the first and second main issues, despite the proposal's contribution towards boosting the supply of housing.
22. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR