
Appeal Decision

Site visit made on 13 December 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/V4305/W/16/3159280

Land to rear of 55 Homer Road, Knowsley Village L34 0HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Helen Seiga against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 16/00102/COU, dated 8 February 2016, was refused by notice dated 5 April 2016.
 - The development proposed is the change of use of amenity land to residential curtilage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I could see from my site visit that part of the appeal site has been cleared of vegetation except for a mature tree and two smaller trees, turf has been laid and enclosed by a timber close boarded fence, resulting in it forming part of the residential curtilage of 55 Homer Road. The part of the appeal site behind 53 Homer Road was still in the woodland and was not within the residential curtilage. I have therefore determined the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Knowsley Village Conservation Area (KVCA), with particular reference to the woodland.

Reasons

4. The appeal site lies on the eastern side of the KVCA which extends to the north and south either side of Knowsley Lane. Knowsley Village is characterised by its leafy setting comprising of its village green, mature trees, hedgerows and spaces that complement buildings that date from the Georgian and Victorian period. The village is a well-preserved example of pre-war England. It includes the nearby Derby Arms Hotel which is an indication of the influence of the Earls of Derby. Beyond the eastern boundary of the KVCA, which includes the semi-detached pairing of Nos 53 and 55, there have been several large post Second World War housing estates built.
 5. Paragraph 138 of the National Planning Policy Framework (the Framework) explains that not every element of a conservation area necessarily contributes to its significance.
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6. Knowsley Recreation Ground abuts the northern boundary of the site, whilst the remaining area of woodland is to the south and west between Nos 53 and 55 and Knowsley Lane. It contains mature trees and an understorey of vegetation which are part of the public views from the north and south of Knowsley Lane and from the recreation ground. Along with mature trees and the hedgerow that lines Knowsley Lane, the woodland helps shield the setting of the KVCA from the large-scale developments to the east¹. Thus, I consider the woodland, even the part abutting Nos 53 and 55, makes a positive visual contribution to the KVCA in terms of maintaining the leafy setting in the KVCA, but also by shielding development to the east, helping to uphold the present day setting and significance of Knowsley Village.
7. While the appeal site is not particularly visible when viewed through the woodland, the flank elevation of the site is increasingly visible on approach from the north on Knowsley Lane and from within Knowsley Recreation Ground that the public can use for play and recreation. While I recognise the visibility of the site will change during the year, with trees being in leaf, I do not consider that the appeal site is peripheral or hardly noticeable as there are clear views right across the recreation ground which is within the KVCA. From here the woodland forms part of the leafy Knowsley Lane street scene and separates the newer housing development from the historic core of the village.
8. The understorey and vegetation in part of the appeal site has already been lost. The understorey in the woodland contains younger and smaller trees or shrubs that over time replace the mature species in the woodland, ensuring its succession, so that it continues to positively shape the character and appearance of the KVCA. The proposal would result in a further loss of understorey in an untouched section of the woodland. Even though the appeal site may only be part of the woodland area, by enclosing the land off and removing the understorey, it would affect the future condition of the woodland adjacent to properties on Homer Road and thus its positive visual contribution to this part of the KVCA.
9. Railings enclose the woodland's boundary with Knowsley Lane. They are, along with hedgerows a typical boundary treatment in the KVCA. The close boarded fence roughly 2 metres high along the boundary abutting the recreation ground has enclosed the land and extended the residential curtilage of No 55. This has, along with replacing an area of woodland with turf, created a suburban appearance in the KVCA. The fence would also be extended across the width of Nos 53 and 55. Although I recognise the fence on the site's western boundary would be very well screened, the fence facing the recreation ground is a striking feature that fundamentally alters the physical and visual relationship of the site to the KVCA and the housing development outside the conservation area. This means the site physically and visually appears to be part of the housing development outside of the conservation area rather than forming part of the KVCA.
10. Even though the site is on the edge of the woodland and the KVCA, this does not lessen the site's role or significance as it is visible from a number of public vantage points. Notwithstanding the presence of timber fences between nearby dwellings on Homer Road, they are lower and are not a characteristic of sites in or adjacent to the conservation area.

¹ Knowsley Village Conservation Area Appraisal

11. Concern is raised by the Council that a precedent would be set for similar development proposals in the future. The appeal site is boarded by two other dwellings, No 53 and 580 Knowsley Lane. The former of which is said to be interested in extending their garden into the woodland. While the current occupants of No 580 oppose the proposal, this may not always be the case and or the occupants may change. Given this, even though land ownership may also control matters, if this appeal was allowed, I consider it would mean the Council, from a planning perspective, would find it more difficult to resist future applications. As a result and due to the close proximity of Nos 53 and 580 to the appeal site, further loss of the woodland is very likely to result in a cumulative harmful effect, lessening its significance and positive contribution to the KVCA. This may result in future changes to the KVCA boundary.
12. Thus, despite the appellant's view that the effect would be negligible, this is not a view that I share, as the proposed development has and would continue to lead to a significant harm to the character and appearance of the KVCA. The proposal is and would be a prominent form of development which would fail to preserve or enhance the character and appearance of the KVCA.
13. In terms of paragraph 134 of the Framework, I consider the harm to the KVCA is and would be less than substantial. Even so this still amounts to a harmful impact which adversely affects the significance of the KVCA as a heritage asset. Public benefit would arise from the appellant having a larger garden for play and recreation to support her growing family. But, this is offset by the large area of public recreation space that adjoins the site and in any event, the harm to the KVCA and the site would, to which I attach considerable importance and weight, in my view, clearly outweigh this modest public benefit.
14. For these reasons, I therefore conclude that the proposed development fails to preserve or enhance the character or appearance of the Knowsley Village Conservation Area, with particular reference to the woodland. The proposal does not accord with Policies CS8 and CS20 of the Knowsley Local Plan Core Strategy, saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan and paragraphs 134 and 138 of the Framework. These policies seek to ensure that development preserves or enhances the character and appearance of the conservation area and the positive contribution that woodlands make.

Other Matter

15. Reference is made to the Council's Estate Manager misleading the appellant in terms of whether enclosing the land would be unacceptable. The sale of land is a separate matter to the planning process, however I do note that the terms and conditions do set out that the purchaser is responsible for obtaining any necessary planning permission, which has in this case been sought.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR