
Appeal Decision

Site visit made on 27 March 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/P2365/W/16/3166887

Land adjacent to 15 Charnock, Holland Moor, Skelmersdale, Lancashire WN8 9DZ

- 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 Mrs Dorothy Duckworth against the decision of West Lancashire Borough Council.
 - The application Ref 2016/0846/FUL, dated 5 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is change of use of land to be used for garden and vehicle access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal are:
 - the effect on the character and appearance of the site and the surrounding area, and;
 - the effect on highway safety, with particular regard to access arrangements.

Reasons

Character and appearance

3. Charnock is accessed from Back Lane, but otherwise forms part of a wider residential estate layout that adjoins Clay Brow Road. The characteristic pattern of development consists of predominantly terraced rows arranged around cul-de-sacs with some front elevations facing towards the rear gardens of adjacent terraced rows.
 4. No 15 Charnock (No 15) is an end terraced property with neighbouring terraced rows located to the front and rear. When taken together the terraced rows have a stepped side building line and boundary fence alignments which assimilate with the curved route of Clay Brow Road to the east. A grass verge and landscape buffer is located between the boundary fences and the road. This includes a number of trees within the site subject to this appeal, which softens the appearance of the properties and boundary treatments when viewed from Clay Brow Road.
 5. During my visit I observed that the road network in the immediate vicinity of the site and existing footpaths to the opposite side of the road have been
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carefully planned to ensure that the parcels of grass verge and landscape buffers along Clay Brow Road are as large, complete, and uninterrupted as possible. Consequently, the grass verges and landscape buffers make a positive contribution to the wider design concept of the residential estate. The appeal proposal would involve change of use of a triangular parcel of land adjacent to No 15 to form a garden and a new vehicular access.

6. The host property, in common with those surrounding, is served by parking areas in Charnock accessed from Back Lane. There are no existing driveways or accesses to Charnock crossing the area of grass verge and landscaping from Clay Brow Road. The introduction of a vehicular access within the existing landscape buffer would, therefore, appear incongruous and contrary to the prevailing pattern of development and the design concept of the residential estate. Furthermore, whilst every proposal must be assessed on its own merits, to allow this development would likely encourage the submission of similar proposals in the wider area which would be more difficult for the Council to resist. The cumulative effect of similar proposals for vehicular accesses to individual properties within landscape buffers would exacerbate the harm identified with further detriment to the character and appearance of the area.
7. The realignment of the existing boundary fence would alter the rectangular shape of the rear garden and remove the consistency with the stepped arrangement of surrounding fence lines. However, this in itself would not appear out of place given that there are examples of similar alignments of boundary fences further to the west. The proposal could also lead to the loss of some existing mature and ornamental trees within the site that are not subject to formal protection and the long term health of other trees nearby could be affected by the development. Based upon my observations, the trees are not of individual value as they are unremarkable specimens with some in poor condition. Nevertheless, the trees do have value as part of a larger group which makes a positive contribution to the landscape buffer which adjoins Clay Brow Road.
8. Having regard to the above, a limited reduction in the overall number of trees within the site and its surroundings would not harm the landscape buffer and could assist the health of remaining trees, whilst reducing the loss of light to adjacent gardens. Specific evidence has not been provided in terms of trees to be retained or removed. Nonetheless, I am satisfied that a harmful loss of continuity of tree cover within the landscape buffer could be avoided through implementation of a landscaping scheme. The agreement of appropriate details could be secured by condition if the appeal were allowed. However, the absence of concern in that respect is a neutral factor which does not justify the harm otherwise identified relating to the introduction of the proposed access.
9. I conclude that the development would harm the character and appearance of the site and the surrounding area. It would conflict, therefore, with Policy GN3 of the West Lancashire Local Plan 2012-2027 (LP), adopted October 2013 and the guidance within the West Lancashire Design Guide Supplementary Planning Document, adopted January 2008. The policy seeks to ensure, amongst other things, high quality design that integrates well with the surrounding area with regard to local distinctiveness and the historic character of the townscape. The policy is consistent with the National Planning Policy Framework (the Framework) to which there is also conflict.

Highway safety

10. The vehicular access would be located on the inside of a bend of Clay Brow Road which is an unclassified road providing local access with a 20mph speed limit and speed bumps located in close proximity. The position of the access on the inside of the bend would reduce visibility, particularly in a southern direction along Clay Brow Road. Nevertheless, due to the set-back position of neighbouring trees behind a grass verge, suitable visibility splays could be achieved in either direction for vehicles using the access when in forward gear.
11. Notwithstanding the above, the proposal includes a gate positioned approximately 4m from the highway. Consequently, when the gate would be closed, most vehicles would be unable to turn into the site and access the parking area without overhanging the highway and obstructing traffic flows along the northbound carriageway of Clay Brow Road. This would increase the risk of accidents and collisions, as periodic obstruction of the northbound carriageway would necessitate unsafe overtaking manoeuvres on the bend when visibility of oncoming vehicles travelling in a southbound direction would be restricted. The proposal would increase the frequency of those unsafe manoeuvres given that on-street parking, although unrestricted in the immediate vicinity of the site, is not a common feature of Clay Brow Road.
12. Limited space would also be available for vehicles to turn within the site. In such circumstances, it is reasonable that vehicles using the access may choose to alternatively reverse onto Clay Brow Road as a matter of convenience. Vehicles reversing onto the inside of the bend where visibility distances are reduced would increase the risk of accidents and collisions. This adds to my concerns regarding the harmful effect of the development upon highway safety.
13. The appellant has expressed a willingness to alter the position of the gate, but no amended plans were submitted for my consideration as part of the appeal. I afford little weight to the size of the appellant's existing car, as the particular circumstances of occupants of No 15 could change over time whereas the development would be permanent. I have taken into account that a road safety mirror could be provided which would improve visibility for and of vehicles using the access. However, such equipment would not mitigate the harmful effects upon highway safety I have identified.
14. The absence of reported accidents or incidents in close proximity to the site in the last 5 years is not an influential factor as that evidence reflects current road conditions and access arrangements, rather than the safety of use of the proposed access before me.
15. I conclude that the development would have a significant and harmful effect on highway safety. The proposal, therefore, conflicts with Policy GN3 of the LP in so far as it seeks to ensure suitable and safe access. The policy is consistent with the Framework to which there is also conflict.

Conclusion

16. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR