



Appeal Decision

Site visit made on 6 June 2019

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/H4315/W/18/3218343

1A Plane Tree Grove, Haydock, WA11 0QY

- 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 Mr J Mitchell against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2018/0310/FUL, dated 10 April 2018, was refused by notice dated 20 June 2018.
 - The development proposed is described as the "Demolition of existing garage and erection of 1no detached dwelling. (Re-Submission)."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published its revised National Planning Policy Framework (the Framework) on 19 February 2019. However, in relation to the main issues in this appeal, the revisions have not changed national planning policy.

Main Issues

3. The main issues are:
 - (i) The effect of the development proposed on the character and appearance of the area and;
 - (ii) Whether or not the development proposed would provide acceptable living conditions for future occupants with particular regard to the provision of amenity space, privacy and noise and disturbance.

Reasons

Character and appearance

4. The appeal relates to an irregular shaped piece of land that contains a single storey prefabricated garage and is predominantly enclosed by approximate 1.8 metre high concrete slab walling. It is situated in between a detached dormer bungalow and other prefabricated garages in a predominantly residential area. A steep embankment which is populated by a number of mature trees also bounds the northern side of the site and rises steeply up to the busy A580 highway.

5. The proposed dwelling would have an inverted 'L' shaped footprint, and is proposed to be enclosed by an approximate 1.8 metre high brick base and pier wall with timber panels and a timber gate in between them. I note the Council's concerns about the height of this, and their view that it conflicts with advice contained within the Supplementary Planning Document - New Residential Development 2011 (SPD).
6. The SPD states that hard boundary treatments should not *normally* (my emphasis) exceed 1m in height adjacent to a highway. However, it also advises that boundary treatments must respect and respond to the character of the surrounding area in terms of their height, type and materials used.
7. To this end, boundary treatments of a similar height to that proposed already front Plane Tree Grove and form part of the established character and appearance of the street scene. The proposed boundary treatment would also obscure some views of the proposed dwelling's bi-folding doors, and potential domestic paraphernalia, thereby reducing their impact on the surrounding area. As such I do not consider that the proposed boundary treatment or the front garden area that it would enclose would appear as a discordant feature within this context.
8. Nonetheless, the proposed dwelling's outwardly facing elevation would be positioned in close proximity to the southern boundary of the appeal site and would have a much greater footprint, mass, and visual presence along Plane Tree Grove than the neighbouring properties. Visual confusion would also arise from the differently sized windows and the amount of brickwork between them. Indeed, the first floor of the elevation fronting Plane Tree Grove would not contain any openings, offering a predominantly blank and unattractive façade. These factors, in addition to the splayed side elevations, and varying roof forms and heights, would combine to present a prominent, contrived and conspicuous form of development.
9. I appreciate that the immediate context comprises houses of various sizes, styles, and fenestration details and that they are not laid out in a regimented manner. The appellant also argues that the design of the nearest neighbouring property at 1A Plane Tree Grove cannot be considered to be simple or unfussy and that unlike this property the proposed development would not be visible from Penny Lane. I am also informed by the appellant that the proposed layout would ensure that no trees on the embankment would have to be cut back or removed. Nonetheless, I do not consider these factors to negate or outweigh the harm that I have identified above.
10. I therefore find that the development proposed would have a significantly harmful effect on the character and appearance of the area. As such it conflicts with Policy CP1 of the St Helens Local Plan Core Strategy 2012 (CS), which amongst other things, seeks to maintain or enhance the overall character and appearance of the local environment.

Living conditions

11. Due to the proposed rear garden area's short depth and proximity to the embankment and mature trees it is uncontested that future residents would be likely to use the front garden space as the main area of amenity space.

12. I have not been referred to any guidelines for separation distances between properties. Nonetheless I consider that satisfactory intervening distances would be achieved between the neighbouring properties (including the potential for future extensions constructed under permitted development rights) and the proposed front garden area. In the absence of any firm evidence to the contrary I am satisfied that this separation, when combined with the screening that would be achieved from the proposed boundary treatment would ensure that future residents would not experience an undue loss of privacy.
13. Nonetheless, the proposed front garden area would fall short of the SPD's recommended 10 metre length, with a large portion of it lost to make way for the generous driveway area. Given the constrained size and limited usability of the proposed front and rear garden spaces, I consider that an unsatisfactory form and amount of outdoor amenity space would be provided on the site for future occupiers.
14. The proximity of the site to the A580 highway is such that a noise assessment (NA) has been submitted and summarises that the site is fairly noisy and dominated at all times by traffic. The appellant contends that the most significant living spaces are all to the south elevation of the development away from the noise source. The NA concludes that mitigation measures such as keeping windows shut on the north, north-east and east facades, along with acoustic ventilation, and upgraded glazing for the patio doors would achieve internal criteria advised by BS8233:2014 *Guidance on sound insulation and noise reduction for buildings*. The NA also asserts that as the outside front living area will be screened by the proposed dwelling it should not require any mitigation.
15. However, the NA only includes background noise readings taken from one position towards the rear of the site. It was also carried out for a short period of time (between the hours of 16:00 and 18:00, and 23:00 and 01:00) on what appears to be one weekday only. It has been put forward that these times represent rush hour and what would be a noisier time of night, and therefore present a worst-case scenario. However, no background noise readings for other times or days when potential disturbance is possible have been provided. From the information before me I am therefore not persuaded that the NA provides a fully representative picture of the existing background noise.
16. As a consequence of this I am unable to be certain that the proposed mitigation measures put forward by the appellant would be effective. Insufficient evidence has therefore been advanced to demonstrate that noise from the A580 highway would not be likely to cause disturbance to the future occupiers of the proposal.
17. On this basis, I am unable to conclude that the development proposed would provide acceptable living conditions for future occupants with particular regard to the provision of amenity space and noise and disturbance. As such it conflicts with CS Policy CP1, which amongst other things, seeks to avoid detrimental impacts on the amenities of the local area, in particular residential amenities, and the amenities of the occupiers of the new development.

Other matters

18. In reaching my findings I have had regard to the appellant's photographic evidence of the rear garden areas of properties along Manor Road. However,

these are much longer than the proposed development's rear garden area, and there is a greater degree of separation from the embankment and trees. They are consequently more usable than the proposed rear garden area. Accordingly, their circumstances are not directly comparable to those which apply in the appeal.

19. It has been put to me that the proposed dwelling is much needed, has been designed to achieve 'secure by design' status and to utilise the south facing area to the front of the property to maximise daylight and sunlight. I also note that the appellant does not consider that this would be detrimental to the future saleability of the property. However, these factors do not outweigh or overcome the significant harm that would be caused in respect of the character and appearance of the area and the living conditions of future occupants.
20. I have been made aware that the proposed scheme was amended during the course of the planning application and that the scale was reduced on three separate occasions. I also note the appellant's disappointment at the lack of opportunity to discuss or alter the design further. However, these matters have had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.
21. For the reasons given above, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR