



Appeal Decision

Site visit made on 15 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

Appeal Ref: APP/M4320/W/19/3234059

Land to the Rear of 97-99 Raven Meols Lane, Formby, Liverpool L37 4DD

- 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 Smith against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/00867, dated 3 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is proposed 2no semi detached bungalows to the land at the rear of 97 & 99 Raven Meols Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the development on the living conditions of the adjacent residents and the effect of the development on the character and appearance of the area.

Reasons

Living Conditions

3. The appeal site is located in the rear gardens of the above properties. The locality is characterised by two storey dwellings with long rear gardens. A bungalow development (Dickinson Way) is present beyond the rear boundary of the dwellings.
4. The New Housing Supplementary Planning Document (2018) (the SPD) sets out separation distances for residential properties, in terms of between habitable rooms, and the distance from gardens/private amenity spaces.
5. From the evidence in front of me, I find that the distance from the proposed dwellings on Dickinson Way would be consistent with the SPD, with the further mitigation offered by the proposed boundary fence would protect the privacy of the residents.
6. The proximity of the new dwellings to the boundary with the adjacent properties on Raven Meols Lane has been raised by the Council. However, I find that the whilst the proposed dwellings would be close to the boundary, the distance from the existing dwellings is significant and the proposed dwellings are single storey in design. Given the relationship between the proposed dwellings and the amenity areas of the adjacent properties, taking into account the distance from the existing dwellings, I do not find that the proposals would

be over-dominant or oppressive to a level that would cause material harm to the living conditions of the adjacent residents. As such, I consider that the proposals are consistent with policy HC3 of the Sefton Local Plan (2017) (the LP), the guidance set out in the SPD and the amenity provisions of the National Planning Policy Framework (the Framework)

Character and appearance

7. The proposal would see the construction of a pair of single storey dwellings located in a backland position. The development seeks to utilise the circumstances of the rear gardens of No 97 and 99 which are long, and in keeping with the row of properties on Raven Meols Lane.
8. Policy EQ2 of the LP states that development will only be permitted where, amongst other matters, in relation to site context, the proposal should respond positively to the character, local distinctiveness and form of its surroundings. The policy also requires in terms of site design, that the arrangement of buildings, structures and spaces within the site, including density and layout, and the alignment and orientation of buildings relates positively to the character and form of the surroundings, achieves a high quality of design and amongst other things, integrates well with existing street patterns. The New Housing SPD includes guidance specific to proposals for backland development and, amongst other things, seeks that the form and layout respect the character of the area.
9. There are two storey properties along this section of Raven Meols Lane, with single storey dwellings on Dickinson Way at the rear. The two storey properties have a rhythm in terms of architectural style, scale, bulk and massing. The long rear gardens to those properties are a prominent feature, which gives a sense of spaciousness between the Raven Meols Lane properties, and those on Dickinson Way.
10. The proposed dwellings would be accessed between No 97 and 99, and as a result would not be visually prominent within the street scene, due to the site location being set back beyond the Raven Meols Lane properties, and the screening given by those dwellings.
11. Notwithstanding this, the proposals would occupy a significant proportion of the garden areas of the host dwellings. The arrangements of building and space within the site would appear cramped and incongruous when seen from the first floor windows of the Raven Meols Lane properties, and from that perspective, would appear as a incompatible and disproportionate form to the rear of those properties, and would harmfully disrupt the existing sense of spaciousness of those longer rear gardens. It therefore follows that the proposals would fail to respond positively to the character and form of its surroundings and harm the character and appearance of the area.
12. I have taken into account the comments of the Appellant in relation to other developments that have gained consent. However, I do not have the full details of those cases in front of me, but the sites have different designs, locational circumstances and relationships with their surroundings than the appeal scheme. I am required to deal with this proposal on its own merits, and as such, I accord them limited weight.

13. Having regard to all of the above, I conclude that the proposal would harm the character and appearance of the area. The development would, therefore, conflict with Policy EQ2 of the LP and the guidance in the New Housing SPD and the wider aims of the Framework.

Conclusion

14. For the reasons given above, I conclude that this appeal should be dismissed.

Paul Cooper

INSPECTOR