
Appeal Decisions

Site visit made on 6 January 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal A Ref: APP/M4320/W/19/3239374

14 Argarmeols Road, Formby L37 7BU

- 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 and Mrs Simon and Jan Conning against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/00902, dated 13 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is 1 new dwelling.
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Appeal B Ref: APP/M4320/W/19/3240622

14 Argarmeols Road, Formby L37 7BU

- 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 and Mrs Simon and Jan Conning against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/01536, dated 12 August 2019, was refused by notice dated 24 October 2019.
 - The development proposed is a new dwelling.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matter

3. The Formby and Little Altcar Neighbourhood Plan (NP) was subject to a referendum on 10 October 2019. This led to support for the adoption of the NP in November 2019. Thus, the NP is now part of the development plan. In refusing the scheme subject of Appeal A, the Council did not refer to the NP. However, in the reason for refusal relating to the scheme subject of Appeal B, the Council cited NP policies ESD2 and H1 in terms of the proposal's effect on the character and appearance of the area. Given that the Council raise a similar concern about the scheme subject of Appeal A, the appellants have been given an opportunity to comment on the NP in respect of both schemes. I have had regard to the evidence submitted and the NP in reaching my decision.

Main Issues

4. The main issues for Appeal A are the effect of the proposed development on:
(i) the character and appearance of the area; and (ii) the living conditions of future occupiers, with regards to amenity space provision. The main issue in

respect of Appeal B is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

5. The appeal site is a fenced off area of land to the rear of a detached dwelling which fronts Argarmeols Road. The southern boundary of the site adjoins Gregsons Avenue, which is a narrow one-way road that allows road users to travel in an east-west direction from Massam's Lane to Argarmeols Road. Two pairs of two storey semi-detached properties are to the east of the site on Gregsons Avenue. The rear gardens and outbuildings of properties on Cummins Avenue lie immediately south of Gregsons Avenue.
6. The surrounding area is predominately characterised by residential properties which are of a varied age and style. These include traditional detached and semi-detached properties set within spacious verdant plots, but also more recent replacement and infill developments which have retained the presence of mature trees and landscaping. Generally, properties are two storeys high, though there are dormer bungalows within the surrounding area. A mixed palette of brick and render are evident in the area along with a combination of pitched and flat roofs. Notably, No 14 has been re-modelled recently¹.
7. Even though a fence has been erected to separate the site edged red from the rear garden of No 14, and the land is being used to store building materials associated with No 14, the use of the appeal site remains, based on the evidence before me, that of the residential garden associated with No 14. The schemes subject of Appeals A and B would subdivide the appeal site from No 14 with access taken from Gregsons Avenue.
8. The dwelling proposed in each appeal is a bespoke response to an irregular shaped site. The Council do not dispute the appellant's point that Policy HC2 of A Local Plan for Sefton (Local Plan) is supportive of custom and self-build homes. That said, Local Plan Policy EQ2 requires development proposals to respond positively to the character, local distinctiveness and form of its surroundings; and the arrangement of buildings, structures and spaces within the site, including density and layout, and the alignment and orientation of buildings, to relate positively to the character and form of the surroundings.
9. Views of the site, and thus the proposed dwelling, would not be readily available from Argarmeols Road. Nor would the proposed dwelling be a perceptible part of the Argarmeols Road street scene. However, the site would be experienced from Gregsons Avenue and the initial part of Massam's Lane. The plot proposed in the scheme subject of Appeal B is larger than that relating to Appeal A. However, in the context of development with a tighter knit with narrower and smaller plots to those on Argarmeols Road, the size of the plot proposed for both schemes would be considerably smaller in comparison.
10. On its own the plot may be suitable for the style and size of dwelling proposed in both schemes. Nevertheless, the proposals do need to respond positively to their surroundings. In this regard, the appeal schemes would not achieve this, and significant harm would in my view be caused as a result. Although the site would have a longer frontage compared to others locally, it would be shallower

¹ Council Ref: DC/2018/013471

and taper significantly towards 5 Gregsons Avenue. The orientation of the proposed dwelling in both schemes would alter how a sub-standard plot size is experienced or perceived. The height of any fence next to Gregsons Avenue should either accord with the limitations of permitted development rights or benefit from planning permission due to its presence next to a highway. While a planning application² is being considered for the boundary treatment of No 14, I do not consider that boundary treatment along Gregsons Avenue would affect the perceptibility of the site's size, especially if a much higher boundary wall is used.

11. In refusing planning permission for the scheme subject of Appeal B, the Council, in addition to their concerns about the size of the plot, raised concerns with the layout and orientation of the proposal. While these concerns may not have been raised by the Council in earlier schemes, they are entitled to reach a planning judgement on the proposal that is before them, which I understand to have evolved with a view to finding a solution to the Council's concerns. Notably, the scale and external finish of the proposed dwelling would respond to a number of properties locally.
12. The proposed dwelling, subject of Appeal B would be forward of the established building line irrespective of whichever parties' version I accepted as a true reflection of the site's surroundings. The appellants version is influenced by an older detached property on Massam's Lane and the line of properties on the northern side of the lane thereafter. Visually, The Freshfield public house distinguishes these properties from the consistent building line that extends from, and including the public house, to No 5. Yet, at the same time, this lessens the importance of the building line, given the varied siting of outbuildings to the rear of properties on Cummins Avenue. Nevertheless, the proposal would harm the character of the area as a result of the proposed dwelling's siting forward of the established building line. This would be compounded by the predominate orientation of window openings, other than roof lights, to the east. This would jar with the approach taken by residential properties in the area in that they principally address the road that they front.
13. The appellants cite the use of Class E permitted development rights to build outbuildings incidental to No 14 within the appeal site. There are size and height limitations that would apply to any building under Class E. However, if I were to accept that the position advanced by the appellants is a greater than theoretically possibility, it is possible that any outbuilding could be forward of the established building line with windows facing eastwards. That said, any outbuilding would be part of the plot associated with No 14 and be read in the manner. As the plot would be read as one, the effect caused by the fallback position would be less harmful than the schemes subject of Appeals A and B.
14. I conclude, on this issue, that the proposals subject of Appeals A and B would have a significant effect on the character and appearance of the area. The proposals would conflict with Local Plan policies EQ2 and SD1 and NP policies ESD2 and H1. Jointly, these seek, among other things, development to demonstrate the most effective use of land through high quality design that positively responds to the character, local distinctiveness and form of its surroundings, in terms of layout, density and orientation.

Amenity space provision

² Council Ref: DC/2019/01977

15. The New Housing Supplementary Planning Document (SPD) sets out that private and useable gardens for houses should be at least be 50m² for new 1-2 bedroom houses. The size of gardens locally and the layout proposed as part of Appeal A, mean, in my view, that this standard should be achieved in this case.
16. The submitted plans show a private garden space of around 50m². While this accords with the SPD standard in terms of its size, the proposed garden space would be close to Gregsons Avenue and would therefore lack privacy as the proposed gates would allow views into the garden from the road. Views into the garden from the road would be aided by the angle of the road itself, which is used by vehicles and pedestrians. This would make it less likely that future occupants would make best use of this space. Even though the proposed dwelling would be a one-bedroom unit, the living conditions of future occupants would not, in this regard, be acceptable even if the dwelling has a suitable internal living space.
17. To address the situation, the appellants suggest the use of a landscaping condition to secure an alternative gate and or landscaping within the site. In terms of landscaping, I cannot be certain that this would establish to the extent necessary to ensure future occupants' privacy, and secondly that this would remain in perpetuity. A gate of a solid design may also potentially affect the safety of the access in terms of visibility. Therefore, the suggested planning condition would not overcome my concerns.
18. The site is near to a range of sport and leisure facilities that would offer future occupants with communal outdoor space, but the character of the area is very much one where usable private outdoor amenity space accompanies each property. As such, despite the case in Pendle³, the nearby provisions do not outweigh the harm that I have identified.
19. I conclude, in respect of this issue, that the proposed development would harm the living conditions of future occupiers, with regards to amenity space provision. Consequently, the proposal would not accord with Local Plan Policy EQ2 and the SPD; which jointly seek, among other things, the arrangement and layout of buildings, structures and spaces to form a high-quality development that protects the living conditions of those within the site.

Other considerations

20. I agree with the appellants that the proposals would not result in harm to the living conditions of neighbouring residents and the living conditions of future occupants in terms of outlook and natural daylight. The site is also near to a range of facilities and services. These matters all carry neutral weight due to the requirements of development plan policies. A construction management plan could ensure that any construction related activity does not adversely affect residents living conditions.
21. Either proposal would make a modest contribution to the supply and mix of houses in Sefton. This is a limited benefit even in the context of significantly boosting the supply of homes. Balanced against this is the harm, in respect of Appeal A, that I have found in respect of amenity space provision. There is no such harm relating to amenity space provision in terms of Appeal B. Although both schemes seek to make effective use of the land, any benefit in this regard

³ Appeal Decision Ref: APP/E2340/W/15/3127990

is offset by the resulting plot sizes. The site is also not overgrown.

22. I note the changes made by the appellants in terms of the scheme subject of Appeal B and the appellant's frustration in terms of being able to discuss their proposals with the Council. However, there are routes available outside of this appeal to the appellants if they are not satisfied with the Councils actions. In any event I have considered these appeals on their planning merits.

Conclusions

23. While the Council now say that they are able to demonstrate five-year supply of deliverable housing sites, there is no substantive evidence to support this. But, even if I were to conclude that there is a shortfall in the five-year supply of deliverable housing sites on the scale suggested by the appellants, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. For the reasons set out above, I conclude that Appeals A and B are dismissed.

Andrew McGlone

INSPECTOR