



Appeal Decision

Site visit made on 7 January 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2020

Appeal Ref: APP/V4305/W/19/3240909

The Pingwood, Carls Way, Tower Hill, Kirkby L33 1TA

- 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 Tony Sayers against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 18/00708/FUL, dated 1 November 2018, was refused by notice dated 15 May 2019.
 - The development proposed is described as 'erection of 6no. apartments in 1no. two-storey block on a previously developed site (Pingwood Public House) within existing urban greenspace between Anders Way and Carlsway, Tower Hill including associated on-site parking and landscaping. Dedication of previously developed former public house car park as urban greenspace including turfing and tree planting'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is common ground between the main parties that the appeal site constitutes previously developed land and lies within an area designated as urban greenspace in the local plan. Whilst the Council's officer report suggests that the proposal conflicts with that designation, neither the reasons for refusal nor the details contained within the Council's evidence elaborate on the suggested conflict. Consequently, I have framed the main issues in this appeal based on the matters of substance which are primarily set out in the Council's reasons for refusal.

Main Issue

3. Having regard to the foregoing the main issue is whether the development would provide a well-designed place having regard to (i) crime and safety and (ii) the character and appearance of the area.

Reasons

Character and appearance

4. The appeal site lies within the southern portion of a cul-de-sac which is mainly surrounded by an area of green space. The street forms part of a wider residential estate which is characterised by blocks of fairly uniform two-storey properties which generally front a network of suburban cul-de-sacs and streets.

5. The former public house has recently been demolished and the appeal site now comprises a mix of hardstanding, grass, and other vegetation. The immediate surroundings are mainly open, save for the presence of rear boundary fencing associated with properties which lie generally to the south. As a result of its relative detachment from the built form combined with its vacant state, the appeal site has a desolate appearance.
6. The proposed building would be reflective of the two-storey height of the nearby housing stock and would comprise a varied roof form and fenestration pattern which would add an element of visual interest. Nevertheless, it would appear as a single, homogenous block of apartments which would be in contrast with the eminently open area of green space which surrounds it. Despite the presence of existing trees and additional open space and landscaping proposed to the north of the apartments, the overall width, height and massing of the building would appear discordant in its setting, particularly when viewed from the green space generally to the west. There would be little in the way of landscaping to soften the appearance of the building and provide the necessary visual relief for it to be successfully assimilated into its surroundings.
7. Moreover, the proposed building would be positioned towards the rear of the appeal site, fronted by an area of parking which would face the street. This would be at odds with the prevailing pattern of development within the wider estate which is dominated by housing fronting the street directly, or set back behind small front gardens. The significant set-back of the proposed building from the road means it would fail to generate activity and engagement between the building interior and the nearby street. Not only would this reduce opportunities for social interaction, but the parking dominated frontage and overall composition of the development would make a poor visual impression in the street and would result in an incongruous form of development which would fail to establish a strong sense of place.
8. The Council does not appear to raise any objection in principle to the provision of six dwellings on the appeal site. Furthermore, I accept that new housing on this site has the potential to reduce the apparent isolation of the surroundings. However, for the reasons I have identified, the proposal in this case would fail to respond sensitively to its surroundings, to the detriment of the character and appearance of the area.

Crime and safety

9. In response to the planning application, the Police Architectural Liaison Officer asserted that the general area suffers from high levels of crime and anti-social behaviour. However, the Council have not specified precisely how the layout and form of the proposal would give rise to significant anti-social behaviour and crime issues. Nonetheless, I find that the layout of the proposed development, with particular regard to the position and design of the parking area, would fail to minimise crime opportunities.
10. The submitted plans show that the proposed parking area would be located in between the street and the proposed residential building at the end of a cul-de-sac. There are several footpaths close to the site which cross the green space and facilitate direct access to the surrounding streets. The proximity of the proposed parking area to the facing windows which would serve the apartments, and the obtainable longer distance views from rear facing

properties within the wider estate to the south, would not adequately mitigate the opportunities which would be available for criminal acts to be carried out on the appeal site. To my mind the absence of nearby buildings and the proximity of green space and footpaths would provide criminals with a favourable means of escape. Therefore, the design of the proposal and its outlying location means that it would fail to create a place that existing and future residents would deem safe.

11. These issues would be further exacerbated at night, when passive surveillance of the car park by occupants of the proposed facing apartments would likely be less prevalent. Consequently, I am not satisfied that the development would create a safe place, and the potential for crime and disorder and an increase in the fear of crime would harm the quality of the area, contrary to the requirements set out in paragraph 127 of the National Planning Policy Framework (the Framework).
12. In conclusion, the development would not provide a well-designed place having regard to crime and safety, and the character and appearance of the area. The development would conflict with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy 2016 and Saved Policy DQ2 of the Knowsley Replacement Unitary Development Plan 2006 which require, amongst other matters, that new development provides good levels of personal and property security and promotes good quality design that responds to the immediate surroundings with regard to mass, form and layout. Developments should minimise crime, fear of crime and anti-social behaviour by ensuring good levels of surveillance and security. The development would also conflict with paragraph 127 of the Framework which requires that development functions well and adds to the overall quality of the area and creates places that are safe.

Other Matters

13. It is put to me by the appellant that similar forms of design have been incorporated into recent local developments. However, no details of these developments have been provided to me and there is nothing in the evidence to suggest that they are directly comparable with the appeal proposal in terms of the overall context. In any event, I have assessed the proposal on its planning merits and find unacceptable harm for the reasons given.
14. I appreciate that the appeal site was previously used as a public house which may well have experienced high levels of crime and anti-social behaviour. However, that was for a different use which has now ceased, and the building no longer exists. In any event, I find that the proposal would fail to minimise crime opportunities and is unacceptable for the reasons set out.
15. The appellant has suggested planning conditions in order to ensure that the development would be 'secured by design' and to ensure that future tenants/buyers were bound by the terms of a policy in order to reduce crime potential. However, the suggested conditions would not overcome the fundamental design concerns I have relating to the proposal and thus would not be sufficient forms of mitigation to make the development acceptable in planning terms.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Matthew Woodward

INSPECTOR