



Appeal Decision

Site visit made on 28 January 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/W4325/W/19/3238793

The Ponderosa, 14 Acres Road, Meols CH47 9SQ

- 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 Raj Bhullar against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/00547, dated 9 April 2019, was refused by notice dated 30 May 2019.
 - The development proposed is the erection of a detached 2 bedroom dwelling on the garden plot adjacent to 14 Acres Road.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Raj Bhullar against Wirral Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. It was evident during my site visit that there was a discrepancy with the submitted plans, which failed to represent accurately what was visible on site at the time of my visit. This inconsistency relates to the location of the residential dwelling at No 19 The Ridgeway. This house is situated directly adjacent to the boundary of the access route to No 14 Acres Road and not set back from this shared boundary as shown on the plans. I have therefore determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of Nos 15 and 19 The Ridgeway, having particular regard to noise.

Reasons

5. The appeal site is located in the rear garden of No 14 Acres Road. Access to this proposed dwelling already exists, as it would use an existing secondary route to No 14. The entranceway to this access route is situated between Nos 15 and 19 The Ridgeway.

6. There are no current restrictions to vehicular and pedestrian access. However, it was not hard surfaced and was extremely narrow in places. Consequently, it would only be suitable for occasional vehicular use. Additionally, access to No 14 Acres Road was easier and more convenient from Acres Road.
7. The appeal proposal would provide off-street parking for 2 vehicles at the entrance to this access route. The remainder of the route would subsequently then be used for pedestrian access only.
8. Whilst I appreciate that there would be no vehicular access to the appeal property, it remains the only route into the proposed property. There would therefore be a subsequent increase in the level of vehicular and pedestrian traffic. The 2 new parking bays would be situated between Nos 15 and 19. They would be in close proximity to the front elevations of these 2 houses and this would have the effect of creating an additional driveway.
9. Furthermore, the 2 parking bays are not positioned side by side and vehicles would have to be parked one behind the other. The vehicle in 'parking bay 2' would need to be moved before the vehicle in 'parking bay 1' could be driven. This would be particularly detrimental to the occupants of No 19, as it lies directly on the boundary of the access route.
10. It was evident during my site visit that this was an extremely quiet residential area. Consequently, these additional vehicle movements and associated noise would undoubtedly have a detrimental impact on the living conditions of Nos 15 and 19 The Ridgeway.
11. Reference is made to the parking configurations on The Ridgeway and that this proposal would mimic that of the other residential properties. However, the referenced parking configurations are not comparable with this appeal proposal. This development would construct a new driveway/car parking bays for 2 additional vehicles directly to the sides of these existing properties, which already have driveways to the front. This would result in new vehicular activity with subsequent noise, previously not experienced by the occupants of Nos 15 and 19. This would be exacerbated by the close proximity of these parking bays to the existing properties.
12. It is extremely unlikely that the volume of foot traffic generated by one new property would cause an unacceptable level of noise and disturbance. Consequently, I do not accept that a possible increased level of pedestrian use of this access would harm the living conditions of the residents of these properties.
13. The appellant has submitted information to show that the Council does not have an up-to-date development plan and there is a shortfall in housing land. The consequence of this is that paragraph 11 of the National Planning Policy Framework (the Framework) is invoked and the tilted balance included in section d ii is relevant to this decision. This makes it quite clear that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
14. Consequently, I have taken into consideration that the construction of one dwelling would bring some economic and social benefits. These include construction jobs and a new home boosting the supply of housing. However, these are extremely modest due to the small scale of the development and do

not outweigh the significant harm to the living conditions of the occupiers of Nos 15 and 19 The Ridgeway that I have identified.

15. I therefore conclude that the proposed development would have a detrimental effect on the living conditions of the occupiers of Nos 15 and 19 The Ridgeway, with particular regard to noise created by increased vehicle activity. This fails to comply with policy HS10 of the Wirral Unitary Development Plan (Including Minerals and Waste Policies), Written Statement Adopted February 2000, and the Metropolitan Borough of Wirral, Supplementary Planning Guidance Note 10, Backland Development (February 2000) and the Framework as a whole. Together these require that backland development, including its access, does not cause undue noise and disturbance to the adjoining residents.

Other Matters

16. I acknowledge the appellant's proposal to construct a path along the extent of the drive and to install discrete bollard lighting. However, this carries little weight in this appeal and does not outweigh the harm I have already identified.
17. The appellant has provided information relating towards the Council's planning performance figures. However, I can give this issue little consideration, as it is not a matter for this appeal, which I have determined on its own merits.

Conclusion

18. Although increased pedestrian use was found to be acceptable, the increase in vehicle movements would have an unacceptable detrimental effect on the living conditions due to noise. Therefore, for the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D Hilton-Brown

INSPECTOR