



Appeal Decision

Site visit made on 21 January 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2020

Appeal Ref: APP/M4320/W/19/3236816

52a Dowhills Road, Crosby, Liverpool L23 8SP

- 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 Paul Finnegan & Kevin Connolly against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/00612, dated 26 March 2019, was refused by notice dated 9 August 2019.
 - The development proposed is erection of 2no. detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2no. detached dwellings at 52a Dowhills Road, Crosby, Liverpool L23 8SP in accordance with the terms of the application Ref DC/2019/00612 dated 26 March 2019, subject to the conditions attached in the schedule to this decision.

Main Issues

2. The main issues in this appeal are the effect of the development on trees and woodland, and the effect of the development on the character and appearance of the area.

Reasons

Effect on trees

3. The appeal site includes the existing two storey property and surrounding land. From the evidence in front of me, it appears that the property has been unoccupied for some time.
4. The area is predominately residential in nature, although there is a church adjacent the site. The appeal site is located within the Merrilocks Plantation, and as a woodland plantation, the trees on site are covered by a woodland Tree Preservation Order (TPO).
5. The appeal proposals seek the erection of two dwellings on site. From the Council's statement it is apparent that the demolition of the existing property already has consent.
6. Policy EQ9 of the Sefton Local Plan (2017) (the LP) states that development proposals must not result in unacceptable loss of, or damage to existing trees or woodland or significant landscaping as a result of development, and that any trees lost as a result of the development be replaced on a 1:1 ratio, and where appropriate a suitable landscape scheme should be included.

7. From my site visit, it is apparent that the existing trees on site are in various states of health, and it is apparent that no effective management of the trees has been in place for some time.
8. I note from the tree report that the trees are predominately Sycamore, and the proposals would result in the loss of five trees. These are identified as being in poor or fair condition.
9. The Council have concerns that the extent of tree loss has not been correctly identified as a bank of trees to the frontage that are predominately conifers have not been taken into consideration, but some removal would need to take place in order to facilitate an access. In addition, the appellant's proposal to carry out 'no-dig' excavation would not be possible, leading to further losses. The Council concludes that the development should not be used as a method of bringing about appropriate woodland management, and pressure would be brought for further tree removal due to the potential for overshadowing from the remaining trees.
10. I have taken into consideration the tree report that has been submitted and I am satisfied that the surveys, methodologies and subsequent recommendations have been carried out by a competent specialist of suitable experience and knowledge. The conifers identified by the Council are outside of the woodland TPO but are to be retained as part of the overall works. The report also identifies replanting of replacement trees at a 1:1 ratio or better.
11. Overall, I find that the recommendations set out in the report are clear and precise, identified the key site constraints and identified appropriate solutions. This will assist in providing long term protection for the TPO and encourage its long-term retention, as well as retaining its long-term landscaped character of the area.
12. As a result, I find that on this issue, the proposals are consistent with the aims of Policy EQ9 of the LP where it relates to trees and landscaping as part of development and Paragraph 170 of the National Planning Policy Framework (the Framework) as it relates to conserving and enhancing the natural environment.

Design

13. Policy EQ2 of the LP states that, amongst other matters, development should respond positively to character, local distinctiveness and the form of its surroundings, and make a positive contribution through design, in terms of scale, height, form, massing, style, detailing, landscaping and use of materials.
14. From my site visit, it is apparent that there is no overall context in terms of the design of housing within the locality, with a mix of styles, ages and designs. The design and fenestration of the proposed dwellings would have a contemporary character, with undivided panes of glass and a variety of sizes and proportions. Whilst this would not conform with the more orthodox arrangements in some of the surrounding properties, there is a wide range of window styles in the area. There is no repeated pattern of windows in the surrounding properties, so the arrangement in the proposed dwellings would not upset any existing order in the street scene. Overall, I find that the dwellings, given their size, siting and design, would not be an overly dominant or incongruous feature.

15. Overall, I am satisfied that the scheme put forward would result in new dwellings of well considered architecture which takes account of and respects its setting in the area without being a pastiche of modern contemporary design.
16. In terms of development plan policy, I find that the proposal meets the requirements of Policy EQ2 of the LP and the design aspects of the Framework. I find that the proposal meets the definition of sustainable development set out in the Framework when considered as a whole. This accord with the development plan and the Framework is not outweighed by any other consideration.

Other Matters

17. I have noted the concerns of the Council with regard to the provision of this development creating pressure for other development proposals. However, I also note that other development proposals have previously been forwarded, and this appeal has been determined on its own merits, as should any future proposals that could be submitted to the Council.
18. I have also considered the comments of a nearby resident in relation to the impact on the woodland trees. I have dealt with this issue as part of my assessment, and I am satisfied that the recommendations put forward within the report would lead to long term benefits to the woodland as a whole.

Conditions

19. In relation to conditions, I have not imposed conditions 2 and 7 of the Council's suggested list as the information requested in the conditions has already been supplied by the appellant and the implementation of the recommendations of those reports would be covered by condition 6 in the schedule below.
20. Conditions 1 and 6 are standard conditions imposed in the interests of proper planning. Conditions 2 and 3 are imposed in the interests of highway safety. Condition 4 is imposed to ensure that the materials of construction are suitable in the interests of the visual amenities of the locality, whilst condition 5 is to ensure the long-term protection of the woodland TPO and to retain an acceptable visual appearance.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) No dwelling shall be occupied until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the new vehicular/pedestrian access, pedestrian visibility splays and the relocation of the existing bus stop.
- 3) No dwelling shall be occupied until the means of vehicular access/pedestrian access, pedestrian splays and the relocation of the bus stop have been constructed.
- 4) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the houses are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Any tree that within a period of five years after planting, dies or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective shall be replaced with another of the same species and size as originally approved in the next available planting season.
- 6) The development hereby granted shall be carried out strictly in accordance with the following drawings and reports set out below:

Site outlined in red as shown on Drawing 600-OS,

Drawing Numbers

600-1	600-2	600-3	600-4	600-5	600-6
600-7	600-8	600-9	600-10	600-11	600-12
600-13	600-14	600-15 Rev A		600-16	600-17

Tree protection plan Rev A July 2019

Arboricultural Method Statement dated 10th July 2019

Tree report Ref No TH/2019/01/07 Dated 7th January 2019

Preliminary Ecological Appraisal Dated 29th March 2019

END OF SCHEDULE