



Appeal Decision

Site visit made on 11 September 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2020

Appeal Ref: APP/P2365/W/19/3227089

Ormskirk Tennis Club, County Road, Ormskirk L39 3LU

- 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 Philip Keeley (Labosport Ltd) against the decision of West Lancashire Borough Council.
 - The application Ref 2018/1124/FUL, dated 19 October 2018, was refused by notice dated 25 January 2019.
 - The development proposed is the installation of new floodlighting to two existing tennis courts.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of adjacent dwellings in County Road, with particular regard to matters of light pollution, noise and disturbance.

Reasons

3. The appeal relates to a tennis club that includes an access drive, parking area, clubhouse and 5 tennis courts. The club is accessed off the eastern side of the A59 (County Road) and the tennis courts are broadly arranged in a row, to the rear of the development facing County Road. Courts 4 and 5 are located to the rear of commercial units and are already floodlit. The proposed floodlighting for courts 2 and 3 would be significantly nearer to the dwellings facing onto County Road than the existing floodlights. Court 2, in particular, is located in close proximity to the rear boundaries of 197 and 199 County Road. The existing boundary between these dwellings and the tennis club includes an extensive mix of high vegetation, including trees and hedgerow.
4. The appellant's lighting assessment shows some increased illumination of the rear gardens of the nearby dwellings but very limited impact on the dwellings themselves. The assessment states that interaction with existing surrounds (i.e trees, hedges, etc) have not been considered as part of the assessment. It is reasonable to expect that the existing boundary vegetation would provide some further reduction in the light spillage into the adjacent residential properties. The Council's Environmental Health Officer advises that the floodlighting is acceptable and would result in minimal light spillage. The appellant has indicated that they would be willing to stop use of courts 2 and 3

at 2130h, enforced automatically through the electronic floodlight system. Subject to the limited hours of operation suggested being secured by condition, I am satisfied that the development would not result in unacceptable living conditions for nearby residents in terms of light pollution.

5. Even with a condition preventing use after 2130h, the floodlights would significantly increase the hours during which courts 2 and 3 could be used. This increased activity would result in additional noise disturbance through the hitting of tennis balls and communication between participants. Whilst existing activity on courts 4 and 5, and at the clubhouse, already generates some noise and disturbance, the additional noise resulting from this proposal would represent an intensification of noise in the late evening and in closer proximity to the rear boundaries of the dwellings at Nos 197 and 199. Whilst the fronts of these dwellings face onto a busy road, it is reasonable to expect that the rear of these properties would be a quieter environment, relatively free from noise and disturbance in the late evening.
6. The previous appeal decision¹, dismissed in 2011, in relation to a proposal to construct floodlighting for courts 2 and 3, is a material consideration in this appeal. The Inspector found, in 2011, that the increased use of courts 2 and 3 would result in additional noise and would cause an unacceptable increase in disturbance to neighbouring residents. Whilst the scheme of floodlighting and the policy framework in this appeal is materially different to the previous appeal, the impact in terms of noise on the nearby residents would be broadly similar, even considering any change in size and density of boundary vegetation since 2011.
7. As such, I find the development would result in unacceptable harm to the living conditions of the occupiers of adjacent dwellings in County Road by virtue of increased noise and disturbance. The development would, therefore, conflict with Policy GN3 of the West Lancashire Local Plan 2013 (the Local Plan) which requires reasonable levels of amenity to be retained for neighbouring properties. It would also conflict with similar guidance contained within chapter 12 of the National Planning Policy Framework, including paragraph 127, that requires development should not undermine quality of life. Whilst I note that the proposal would enhance a community sports facility and is therefore supported by policy EN3 of the Local Plan, overall, I find the proposal would conflict with the development plan when taken as a whole.

Conclusion

8. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR

¹ APP/P2365/A/11/2159157