



Appeal Decision

Site visit made on 19 May 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 8th June 2020

Appeal Ref: APP/M4320/W/20/3244498

1 Dunes Drive, Formby, Sefton L37 1PE

- 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 J Osborne against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/01577, dated 05 August 2019, was refused by notice dated 22 November 2019.
 - The development proposed is erection of 1no. detached dwelling (dormer bungalow) on land at 1 Dunes Drive.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is part of the garden of No 1, which is a detached 2 storey property with a single storey side extension. It is at the junction of Dunes Drive and Larkhill Lane, where the urban area meets the open countryside and woodland. Dunes Drive is a sinuous residential road with relatively modern detached and semi-detached 2 storey and single storey dwellings arranged in broadly similar groups. Notwithstanding extensions and alterations, the similar ages and styles of properties, together with their characteristically open frontages and the backdrop of mature woodland, results in a harmonious and spacious character and appearance.
4. Although generously sized, the triangular shape of the appeal site is a constraint to its development. Consequently, the dwelling would be awkwardly sited, being both markedly set back from the front elevation of No 1 and overly close to the footway. By virtue of its prominent location and the significant increase in the bulk of built development in close proximity to the road, the proposal would be a dominant feature that would erode the open character of the street scene.
5. The tapering shape of the appeal site would result in the dwelling being sited uncharacteristically close to the rear boundary relative to the neighbouring properties. The rear garden would be noticeably shorter than and it would not

relate well to the neighbouring rear gardens. The closer approach of built development to the rear boundaries would reduce the sense of openness for users of the adjacent footpath. Although No 1 and the neighbouring properties are on slightly different building lines, they nevertheless form a relatively coherent group. In contrast, by virtue of its scale, design and siting, the proposal would be an incongruous feature that would not relate well to its surroundings.

6. The appeal site is well screened by trees and shrubs. However, there would be no guarantee that the boundary planting would be retained or that it would function to screen the proposal. In this respect, it seems likely that future occupiers would seek to remove or reduce the height of boundary trees in particular, in order to prevent loss of light to habitable rooms windows and shading of the garden. In any case, vegetation is not permanent, and it should not be relied upon to screen inappropriate development from view.
7. My attention has been drawn to properties close to the footway elsewhere in the area, including 25 Gorse Way. However, No 25 differs from the appeal proposal in a number of ways, including by virtue of being reasonably consistent with the neighbouring properties in terms of its building line and length of rear garden. Moreover, it appears to occupy a larger plot in a less prominent location than the appeal site. Therefore, it is not directly comparable to the appeal scheme and it does not provide a justification for it.
8. Therefore, the proposal would result in significant harm to the character and appearance of the area. It would conflict with Policies SD1 and EQ2 of A Local Plan for Sefton Adopted April 2017. These require, among other things, that development makes a positive contribution to its surroundings, having regard to local character and distinctiveness. It would also conflict with the policies in the National Planning Policy Framework (the Framework) that require development to add to the overall quality of the area and sense of place.

Other considerations

9. At the time the application was determined, the Council was unable to demonstrate a 5 year housing supply (5YHLS). However, evidence provided to the appeal now demonstrates in excess of a 5YHLS. While this does not prevent further residential development from coming forward, one dwelling would make a negligible contribution to the housing supply.
10. My attention has been drawn to planning permission for a 2 storey front and side extension to the appeal property (ref DC/2018/02002), which was subsequently varied to omit the 2 storey side extension (ref DC/2019/01576) and thereby accommodate the appeal scheme. I have assessed the appeal scheme on its own merits. Nevertheless, I have considered whether the impact would be different to that arising from the fall back position.
11. While the proposed dwelling would be a similar height to the 2 storey side extension, it would have a larger footprint and it would be a noticeably bulkier feature. It would also differ from the extension by virtue of being visually and functionally separate from the appeal property. Therefore, the approved scheme is not directly comparable to, and it does not provide a justification for, the appeal scheme.

12. I appreciate that the appellant would have preferred the various planning applications at this site to be determined by the same Council officer. However, on the basis of the evidence, it was not unreasonable of the Council to determine each separate scheme on its own merits and in accordance with the development plan.
13. The appeal site is in an accessible location. There would be no harm to the living conditions of neighbouring residential occupiers. The proposal would provide adequate living conditions, including outdoor space, for future occupiers. It would not result in adverse effects on highway safety. However, these are requirements of the development plan and they do not weigh in favour of the scheme.
14. The Framework definition of previously developed land (PDL) excludes land in built-up areas such as private residential gardens. Therefore, the appeal site is not PDL and policies that relate to the effective use of PDL do not apply. Furthermore, given the harm that I have found, policies that support the development of suitable windfall sites within existing settlements do not weigh in favour of the scheme.
15. I note third party concerns relating to the ownership of trees that have been felled at this site. However, this is a private matter and it is not an issue to be addressed as part of this appeal.

Conclusion

16. I have found that the proposal would conflict with the development plan and there are no material considerations that would outweigh the conflict. For this reason, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR