
Appeal Decision

Site visit made on 19 May 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2020

Appeal Ref: APP/V4305/W/3246751

29 Charlwood Avenue, Huyton L36 5UH

- 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 Jason Smith against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 19/00365/FUL, dated 20 June 2019, was refused by notice dated 13 August 2019.
 - The development proposed is the development of vacant parcel of land to erect a 1-bed studio house with associated landscaping and on site parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (a) the character and appearance of the area; (b) the safety of pedestrians and other users of the proposed access; and (c) the living conditions of future occupants of the proposal, with regards to amenity space provision.

Reasons

3. The appeal site comprises of the front garden of 29 Charlwood Avenue. The property at No 29, like that at 31 Charlwood Avenue is a large two storey detached dwelling accessed from Charlwood Avenue through a gated access. Both dwellings are set back and behind mainly semi-detached hipped roofed dwellings that line Charlwood Avenue and Acacia Avenue. Several detached garages associated with residential properties on both roads are accessed from the driveway serving Nos 29 and 31. Dwellings in the area are traditional built family homes with off-street parking provision and private amenity space.

Character and appearance

4. The proposed dwelling would sit behind 27 Charlwood Avenue. Consequently, the proposal would not be a dominant feature of the Charlwood Avenue street scene due to its siting, scale, massing and form. However, equally the new dwelling would not respond to the character and appearance of the traditional two storey dwellings that characterise the area. Neighbouring garages dotted around the access are of a similar scale and massing to the proposed dwelling. Even so, the function and appearance of the proposal would be that of a dwelling and not an outbuilding.
5. I note the appellant's use of architecture, and while the front garden of No 29 may be deemed by the appellant to be surplus to their requirements, the

appeal scheme would erode the suburban character that this space contributes towards. The proposed built form would occupy around 31% of the appeal site, and it would provide accommodation suitable for the intended end-user, but this does not change my view that the proposal would not respond to the scale and proportions of dwellings which form the area's local distinctiveness. Added to this, the dwelling would be sited hard up to the access and contain a single small secondary window opening. This would be at odds with the elevational treatment that Nos 29 and 31 have with the access.

6. Broadly, the proposed mixture of materials would respond to the mixed palette of materials found locally and I am satisfied that the proposed dwelling could be finished in this regard to harmonise with the surrounding area. It is also clear that sun and daylight would be maximised within the dwelling's internal spaces. This would be of benefit to future occupants living conditions along with the lifespan and functionality of the proposed dwelling.
7. However, in the round I conclude on this issue that these benefits do not outweigh the substantial harm that the proposed development would cause to the character and appearance of the area. As such, the proposal would conflict with Policies CS17 and CS19 of the Knowsley Local Plan Core Strategy (LPCS); saved Policies H5 and DQ1 of the Knowsley Replacement Unitary Development Plan (UDP); the New Residential Development Supplementary Planning Document (SPD) and the Design Quality in New Development Supplementary Planning Document. Collectively, these seek good quality new development that responds to and integrates positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment. The proposal would also conflict with paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) and the National Design Guide as the development would not be sympathetic to local character or add to the overall quality of the area.

Safety of pedestrians

8. A private amenity space is proposed to the rear of No 27 and next to the proposed lounge and wet room. The amenity space, in terms of its size, would be modest and the submitted plans show that refuse and recycling bins would be stored here. A pedestrian access leading straight out onto the shared communal access would be formed. Due to the boundary wall along No 27 and the access, together with the proposed front elevation next to the access, people leaving the amenity area would not be able to see any vehicles until they are stood in the communal access. Similarly, drivers would not be able to see persons leaving the site until they are within the driveway. While use of the communal access would be limited and vehicle speeds may be low, the proposed access arrangements would not provide safe and suitable access to the site for all. Any conflict has the potential to lead to unacceptable effects on highway safety and the proposal's design would not prioritise accessibility.
9. The appellant may intend to introduce traffic calming measures, but there are no details of any such measures before me explaining what they would consist of, what they would hope to achieve or how they would remain effective in the future. Furthermore, the lack of any recorded accidents does not alter my view that the proposal would lead to an unacceptable harm to highway safety, as the proposal would introduce a new access to a communal driveway that otherwise offers users good visibility of other users' movements.

10. I conclude, on this issue, that the proposed development would have a significant effect on the safety of pedestrians and other users of the proposed access. The proposal would conflict with LPCS Policy CS7, saved UDP Policy T6 and Framework paragraphs 108, 109 and 110. Jointly, these policies, among other things, seek development that is safe, that prioritises accessibility, enhances road safety and improves the health and wellbeing of local people.

Living conditions

11. Saved UDP Policy DQ1 says that new development should provide good levels of amenity for occupiers of the development. The SPD sets out that private amenity space should be usable, accessible, and reasonably free from overlooking, allow for adequate daylight and sunlight, and have regard to the size of the dwelling and the character of the area.
12. The proposed rear garden next to No 27 would be smaller than the private amenity spaces serving neighbouring properties. This space is also identified to store the refuse and recycling receptacles which would further reduce the available enclosed usable space. That said, an open landscaped garden is proposed next to No 29. New trees would be added to this amenity space (front garden), but views into the front garden would be possible from the communal access and from the first-floor windows of Nos 29 and 31. A degree of overlooking of neighbouring private amenity spaces is common locally, but the extent to which the occupiers of No 29 could peer into the proposed front garden would not result in a good level of amenity for future occupiers. While the proposal has been designed for the appellant's mother, the dwelling should function over the lifetime of the development and not just in the short term. A condition could be imposed to secure boundary treatment for the front garden, but this would not overcome the overlooking that would ensue from No 29. Nor is there any certainty that the proposed trees would afford the necessary screening without affecting the usability and amount of daylight and sunlight received in the front garden.
13. On this issue, I conclude that the proposal would not provide a good level of amenity for occupiers of the development. Thus, the proposal would conflict with saved UDP Policy DQ1 and the SPD which jointly seek good levels of usable amenity space for occupiers of the development that is reasonably free from overlooking.

Other matters

14. The proposal would add to the supply and diversity of the borough's housing stock in an accessible location near to a range of services and facilities. Moreover, the proposal would not lead to privacy issues for neighbouring occupants and a planning condition could be imposed if I were minded to allow the appeal to secure a suitably sized parking space. However, these matters do not alter or outweigh the harm identified in respect of each of the main issues.

Conclusion

15. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR