



Appeal Decision

Site visit made on 30 June 2020

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 22 July 2020

Appeal Ref: APP/M4320/W/19/3239192

The Villas, Hall Road West, Blundellsands, Liverpool L23 8SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Morris Homes North Limited against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/00905, dated 8 May 2019, was refused by notice dated 15 July 2019.
 - The application sought planning permission for residential development consisting of 14 detached dwellings with parking, landscaping and associated works without complying with a condition attached to planning permission Ref DC/2016/01523, dated 26 June 2017.
 - The condition in dispute is No 25 which states that: *The development hereby granted shall be carried out strictly in accordance with the following: N280/P/L01, N280/P/PL02 REV C, N280/P/PP01, Nn966/P/HTBRID/01, N966/P/HTBRID/02, N966/P/HTEATN/01, N966/P/HTEATN/02, N966/P/HTSTRA/01, N966/P/HTSTRA/02, N966/P/HTSTR/01, N966/P/HTSTR/02, N966/P/HTWIN/02 (floor plans), N966/P/HTWINT/02 (elevations), M2752.01, Reptile Mitigation Method Statement (Ecology Services Ltd, May 2015) and Great Crested Newt Method Statement (Ecology Services Ltd, 2016).*
 - The reason given for the condition is: *To ensure a satisfactory development.*
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Procedural matters and background

1. The application subject to this appeal seeks a revised scheme to that permitted in June 2017 through the provision of a gated access to the housing development. The gates and associated piers and wall have already been constructed. The application is possible as a condition was imposed on the original permission specifying the approved plans. The appeal seeks removal of the condition and replacement with a condition specifying the plans that reflect the amended layout and entrance detail showing the gated access, piers and wall.

Decision

2. The appeal is allowed and planning permission is granted for residential development consisting of 14 detached dwellings with parking, landscaping and associated works at The Villas, Hall Road West, Blundellsands, Liverpool L23 8SX in accordance with the application Ref DC/2019/00905 dated 15 July 2019, without compliance with condition No 25 previously imposed on planning permission Ref DC/2016/01523 dated 26 June 2017 but subject to the conditions set out in the attached schedule.

Main issue

3. The main issue is the effect of the gated access on community cohesion and social interaction.

Reasons

4. The development comprises a cul-de-sac of 14 detached houses adjacent to Hall Road Railway Station. There are no rights of way through the site. Nor is there any open space or other public facilities within the development, other than a narrow, landscaped strip adjacent to the railway line. As such there would be no need for the public to venture onto the site unless they are residents, visitors or are providing services or deliveries. Residents would be able to access local services and the wider neighbourhood and not be prevented from interacting with the wider community. In these respects, the gated access would not significantly affect social interaction.
5. The 1.8m high gates and railings would introduce a physical barrier between Hall Road West and the cul-de-sac and could be perceived as detracting from community cohesion. However, Hall Road West has a significantly different character to the side road as it is a well-used through route to the seafront and beach to the west. The main road also provides access to the railway station and the extensive residential area on the northern edge of Blundellsands. The enclosure to the site would reflect the distinct hierarchy of streets within the area. It would not divide streets within the same level of the hierarchy from each other, as was the case with the proposal in Stowe Close, Liverpool¹ where part of a cul-de-sac was to be separated by gates from the remainder of the housing estate. Moreover, the gates would allow views into and out of the site, ensuring a visual connection to the street scene of Hall Road West.
6. I noted that other cul-de-sacs and private drives off Hall Road East are enclosed by gates. Similar gated accesses exist on other local streets, such as Dowhills Road. Although these developments are of a smaller scale than that subject to this appeal, they reflect the hierarchy of streets referred to above. Moreover, other cul-de-sac developments with gated access in the wider area of a scale more comparable with the appeal site have been permitted by the Council since the publication of the original National Planning Policy Framework (the Framework) in 2012. Consistency in decision making is an important consideration. In terms of the Stowe Close appeal decision, I note that the Inspector observed that there were no examples of gated entrances across whole cul-de-sacs in that area which differs from the situation in Blundellsands and nearby areas.
7. The appellant refers to a fallback position whereby 1m gates and railings could be erected across the entrance under permitted development rights. Such an enclosure would be of lesser height than the appeal proposals and, therefore, would be perceived as providing less of a physical barrier and less separation between the side road and the main road. However, it would have similar effects in terms of controlling access. As there is a realistic prospect of the lower gates and railings being erected if the appeal is dismissed, it is a material consideration in favour of the proposal.

¹ Appeal decision ref: APP/Z4310/W/19/3224223 dated 24 May 2019

8. In conclusion the effect of the gated access on community cohesion and social interaction would not be significant and would not justify dismissing the appeal, particularly taking into account the fallback position. The proposal would comply with Policy EQ2 of the Local Plan for Sefton adopted April 2017 as it would respond positively to the character of its surroundings, integrate well with existing street patterns and ensure the safety and security of those within and outside the development. There would be broad accordance with the Framework, including paragraphs 91 and 127.
9. No harm has been alleged in relation to character and appearance and highway safety and I see no reason to take a different view on these issues.
10. The Council has confirmed that a number of conditions imposed on the original planning permission have been discharged. I have taken into account these comments and the fact that the development is nearing completion in re-imposing conditions relating to land contamination, drainage, parking and turning areas, waiting restrictions on Hall Road West, and landscaping. These conditions are required in the interests of safety, flood risk and the appearance of the development. However, as most of the dwellings were occupied at the time of my site visit, I have amended the implementation clause contained within some of the suggested conditions. A replacement plans condition refers to the gated access detail and amended site layout.
11. For the reasons given above the appeal should succeed and the planning permission should be varied as set out in the formal decision.

Mark Dakeyne

INSPECTOR

Attached – Schedule of Conditions

SCHEDULE OF CONDITIONS

- 1) The development hereby granted shall be carried out strictly in accordance with the following plans and documents: Location Plan N280/P/L01, Planning Layout N280/P/PL01 Rev K, N280/P/PL02 Rev C, Entrance Wall and Gate Detail N280/P/EN01 Rev B, N280/P/PP01, Nn966/P/HTBRID/01, N966/P/HTBRID/02, N966/P/HTEATN/01, N966/P/HTEATN/02, N966/P/HTSTRA/01, N966/P/HTSTRA/02, N966/P/HTSTR/01, N966/P/HTSTR/02, N966/P/HTWIN/02 (floor plans), N966/P/HTWINT/02 (elevations), M2752.01, Reptile Mitigation Method Statement (Ecology Services Ltd, May 2015) and Great Crested Newt Method Statement (Ecology Services Ltd, 2016).
- 2) The remediation strategy for contaminated land shall be carried out as approved. Following completion of the remedial works identified in the approved remediation strategy and prior to the occupation of the final dwelling on the development, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be submitted to, and approved in writing by, the local planning authority.
- 3) Foul and surface water shall be drained on separate systems.
- 4) Areas for vehicle parking, turning and manoeuvring shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans prior to the occupation of the dwellings to which they relate, and these areas shall be retained thereafter for vehicle parking, turning and manoeuvring.
- 5) Prior to the occupation of the final dwelling on the development, a Traffic Regulation Order to introduce waiting restrictions on both sides of Hall Road West between Hall Road Station and the access to West Lancashire Golf Club, including junction protection for the junctions of Hall Road West, the Serpentine North, the access to West Lancashire Golf Club/Hall Road West, and the proposed new access road on to Hall Road West, shall be implemented in full.
- 6) The hard and soft landscaping scheme hereby approved (Drawing Number M2752.01) shall be carried out in full prior to the occupation of the final dwelling on the development. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the local planning authority gives its written consent to any variation.