
Appeal Decision

Site visit made on 28 July 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/D0650/W/20/3250983

Land at Canal Street, Runcorn WA7 1RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Bernard Conlon against the decision of Halton Borough Council.
 - The application Ref, 19/00368/OUT, dated 27 July 2019, was refused by notice dated 31 October 2019.
 - The development proposed is outline application with all matters reserved for 1 No. detached dwelling and 2 No. semi detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved and I have determined the appeal accordingly. The indicative plan, drawing no WA7 1RY/LACS/01, with revision C being the latest revision shows how 3 dwellings could be accommodated on the site. I have taken this drawing into account for illustrative purposes only.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area with particular regard to the loss of trees, and; (ii) a designated greenspace.

Reasons

Character and appearance

4. Canal Street is accessed from Wivern Place and is a no through road that is substantially developed with mainly residential development to its northern side. The southern side of Canal Street is largely undeveloped with extensive tree cover. It provides pedestrian access on to the Bridgewater Canal Tow Path at either end and separates the tow path from the street frontage. The area's character and appearance is partly derived from the significant tree cover to the south side of Canal Street which dominates the street frontage and provides an attractive setting for the tow path.
5. The appeal site forms part of the land to the south side of Canal Street. It is comprised of a brick built flat roofed former air raid shelter and an area of

- heavily treed land around it with a frontage to Canal Street. The building is currently unused and is partially obscured by vegetation and trees.
6. The illustrative layout indicates the erection of three dwellings, one detached and a pair of semi-detached houses accessed from Canal Street with gardens to the rear adjacent to the tow path. The layout shows how three dwellings could be accommodated on the appeal site and the extent of land that could be occupied by built development. A cross section illustrates that the tow path sits considerably above the level of Canal Street and retaining structures to support the higher ground adjacent to the tow path would be required.
 7. The supporting Arboricultural Method Statement¹ and tree protection plan indicate that a total of 21 trees and 2 groups of trees were surveyed and approximately half of these would need to be removed to construct the dwellings. The statement also advises that there may be an impact on some of the trees to be retained and there is various correspondence with the Council about this. Notwithstanding concerns about the effect on the trees that would be retained, it is clear that the proposal would require extensive tree removal to accommodate development.
 8. The development would be highly prominent from the tow path and from Canal Street. It would have an awkward interface with the tow path because the development would be constructed at the lower Canal Street land level. The siting of dwellings combined with the loss of trees would result in a development that would appear urban and intrusive in near views from Canal Street and from the tow path. It would detract from the landscaped and attractive setting of the tow path. Consequently, the development would appear incongruous and would have a detrimental effect on the area's character and appearance.
 9. I have noted the examples of other development that has been supported next to, or near to, the canal. Nevertheless, I do not have the full details of these developments before me and I am unable to assess their interface with the canal or other surrounding streets. In any case, each site must be considered on its own merits having regard to the character of the area. The development of other sites in the area does not lead me to a different conclusion on the appeal proposal.
 10. For the reasons given, the development would harm the character and appearance of the area with particular regard to the loss of trees and would conflict with Policies BE1, BE2 and GE29 of the Halton Unitary Development plan adopted 7 April 2005 (UDP) and Policy CS18 of the Halton's Local Plan Core Strategy adopted April 2013 (CS) which seek to ensure development respects the nature and character of the surrounding area and the important amenity or recreational value of the canal. The proposal would also conflict with the National Planning Policy Framework which seeks to ensure that development will function well and add to the overall quality of the area.

Designated greenspace

11. The Halton Unitary Development Plan Proposals Map identifies the site as being part of a designated greenspace. Policy GE6 of the UDP protects designated greenspaces. It states that development of greenspaces will not be permitted

¹ Arbtech Arboricultural Method Statement - 17 September 2019

unless it is ancillary to the enjoyment of the space. Exceptions may be made where the loss of the greenspace is compensated for by funding improvements that raise the space's overall amenity value, or the developer provides a suitable replacement.

12. It appears that the appellant had limited knowledge of the greenspace allocation, however, the adopted development plan allocates the site as greenspace and I must determine the application in accordance with the development plan unless material considerations indicate otherwise.
13. The application form indicates that the land is currently vacant. I have been provided with details of a planning permission granted in 1992 which indicates that the existing building was used on a temporary basis as a body repair shop. The appellant also confirms that business rates have been paid in the past and there have been recent offers of a grant for the building's business use. The appellant considers that the greenspace allocation is not compatible with the site's former business use.
14. I appreciate that the building has been used for a business in the past. However, even if the building were in business use it is of limited scale and visibility in its context and is not a significant feature of the tow path frontage. Whereas the proposed development would introduce significant additional built form and necessitate the removal of significant existing tree cover. The introduction of new residential development would not be compatible with its allocation as a greenspace even when having regard to the existing building on the site.
15. It appears that the Council considered the possibility that a compensatory payment might be made to fund greenspace improvements. However, I do not have details of where improvements would be sought to comply with the requirements of Policy GE6, nor have I been provided with details of a suitable greenspace replacement for the appeal site.
16. Consequently, the proposal would be for development within a designated greenspace and would not be for a purpose ancillary to the enjoyment of the space, as a result, the development would conflict with Policy GE6 of the UDP. The development would also conflict with Policies GE29 and BE1 of the UDP which seek to ensure that development does not result in the unacceptable loss of designated greenspace and does not permit development adjacent to Bridgewater Canal where it would have an unacceptable effect on the recreation or tourism opportunities presented by the canal.

Other Matters

17. I appreciate that the advice provided by the Council in respect of the appeal site's designation as a greenspace and during the application process fell below the appellant's expectations. I note that this is a matter the appellant has been advised to take up through the Council's complaints procedures. However, this is not a matter for me to address as part of this appeal.
18. I note that the trees on the appeal site were planted by the Local Development Corporation rather than the appellant. The reasons why the trees were planted on the appellants land is not clear to me from the evidence. The responsibility for their ongoing maintenance is not a matter for me.

19. I accept that some of the Council's consultees identified that the development was not in conflict with Policy BE1. Policy BE1 is an overarching policy which sets out the general requirements for development. It is possible that elements of the policy could be met in relation to certain aspects of the proposal. However, I agree with the Council that, for the reasons set out above the development would, overall, be in conflict with the requirements of Policy BE1.

Conclusion

20. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR