



Appeal Decision

Site visit made on 4 August 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2020

Appeal Ref: APP/D0650/W/20/3252478

Land to the Rear of 26-38, Ash Lane, Widnes, WA8 8JQ

- 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 Andy Brown against the decision of Halton Borough Council.
 - The application Ref 20/00152/OUT, dated 20 March 2020, was refused by notice dated 4 May 2020.
 - The development proposed is described as "*demolition of one dwelling, erection of replacement and creation of access*".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is in outline with all matters reserved for future consideration except for the means of access. A plan showing an indicative layout has been submitted and I have had regard to this in determining the appeal.
3. The site has been subject to a recent dismissed appeal decision (ref APP/D0650/W/19/3237522) that is dated 8 January 2020. That scheme proposed 4 dwellings across the site with the access in a similar position. Given the similarities between that scheme and the current appeal proposal, I attach significant weight to the previous Inspector's findings.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site consists of a large garden area that is positioned between the rear boundaries of properties fronting Ash Lane and Briarfield Avenue. It is narrow in shape and contains large areas of mature planting. The previous Inspector noted that its extensive size and soft landscaping make an important contribution to the spaciousness of the area. I concur with that view.
6. Ash Lane is a residential street that contains detached, semi-detached and terraced properties. Whilst there is some variation in the style and size of these properties, they follow an established building line and front onto the street, which creates a strong pattern and grain of development. In contrast, the appeal proposal would introduce a backland property to the rear of the

building line with a very limited presence in the street. This would jar with the existing pattern and grain of development and would be harmfully out of keeping with the surrounding properties.

7. Whilst layout is a reserved matter, it is asserted that the dwelling could be positioned so that it would not be visible from along Ash Lane. However, the demolition of No 32 would open up views into the site and it is likely that the dwelling would be at least partially visible from the street. In any case, views into the site would be dominated by the proposed access route, which would clearly indicate its presence. Whilst there would be some increase in visibility of the planting to the rear, that would be only a very minor benefit in my view.
8. The current appeal proposal would be served by a narrower access than the previous scheme for 4 dwellings, and would not require a dedicated footway. However, the previous Inspector did not refer to the access route as a particular source of concern. Instead, his Decision focussed on the incongruity of that proposal with the pattern and grain of the surrounding development. I have similar concerns in relation to the current proposal.
9. My attention has been drawn to 2 backland developments on Mayfield Avenue, both of which are situated to the rear of the building line. However, those properties are located some distance away and are not visible from Ash Lane. Accordingly, their presence does not lend support to the development.
10. The Council assert that the appeal proposal could set a precedent for the development of the remainder of the appeal site. Whilst each application or appeal must be treated on its merits, in this case, the development would significantly alter the character of this part of Ash Lane. Moreover, the illustrative plans show a large area to the west of the proposed dwelling that could readily be accessed via the new route into the site. Accordingly, I consider that this is not a generalised fear of precedent, but a realistic and specific concern. Allowing this appeal would make it more difficult to resist similar proposals in the future on this site, and any cumulative impact would exacerbate the harm I have described above.
11. The Council assessed the suitability of the appeal site in its 'Site Assessment Technical Report' (December 2017), which was produced to inform the emerging Delivery and Allocations Local Plan. However, this document is not intended to guide the determination of planning applications, and I note that the previous Inspector attached very limited weight to it. I see no reason to take a different view.
12. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policies BE1 and BE2 of the Halton Unitary Development Plan ('UDP') (2005). These policies seek to ensure, amongst other things, that new development is of a high quality that respects local distinctiveness and relates well to existing adjacent buildings. It would also be at odds with the National Planning Policy Framework which states that development should be sympathetic to local character and history, including the surrounding built environment.
13. Separately, it is asserted that a number of other local policies are supportive of the development. However, saved Policy S22 of the UDP simply states that "*it is assumed that present uses will continue*" and that "*any proposals for changes of use will be judged in accordance with the relevant policies of the*

Plan". Accordingly, I do not consider that this policy provides any specific support for the appeal proposal. With regard to Policies CS2 and CS3 of the Halton Core Strategy, these are high level and strategic in nature and there is nothing specific in the wording of those policies that directly supports the development. Moreover, Core Strategy Policy CS12 is not directly relevant as it requires that a mix of new property types be provided in developments of 10 or more dwellings (my emphasis). In my view, any support provided by these policies is tenuous at best. However, even if I had come to a different view on this matter, it would not alter my view that the development is contrary to the development plan given the clear conflict with the policies highlighted above.

14. My attention has also been drawn to draft Policy RD5 of the emerging Halton Delivery and Allocations Local Plan. However, from the information before me, it is unclear whether this draft policy is subject to any unresolved objections, or whether it has been supported by the examining Inspector. Accordingly, I attach only limited weight to it at this stage.

Other Matters

15. The development would introduce a new access drive close to the boundary with No 34 Ash Lane. However, this access would serve 1 dwelling only and so would attract a very modest number of vehicle movements. The existing boundary fence would also prevent any direct overlooking from passing cars or pedestrians. Whilst drivers of some larger vehicles would be able to see over this fence, any use of the access by such vehicles is likely to be infrequent.
16. The submitted plans show dormer windows positioned close to the boundary with No 33 Briarfield Avenue that would heavily overlook the rear garden to that property. However, the appeal is in outline only and the precise layout of the dwelling is not for consideration at this stage. Given the size of the appeal site, I am satisfied that it would be possible to achieve a layout that would avoid any significant overlooking of neighbouring properties.
17. The development does not propose a net increase in dwellings on the site and so would not result in any reduction to the land allocated for development in the emerging Delivery and Allocations Local Plan.

Conclusion

18. As set out above, I conclude that the development would significantly harm the character and appearance of the area. Whilst it would provide a new dwelling in a relatively accessible location within the urban area, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR