



---

## Appeal Decision

Site visit made on 24 August 2020 by L Wilson BA (Hons) MA MRTPI

**Decision by Chris Preston BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 September 2020**

---

**Appeal Ref: APP/M4320/W/20/3252390**  
**23 Park Drive, Blundellsands L23 6TN**

- 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 Tim Johnston against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2019/02386, dated 18 December 2019, was refused by notice dated 3 April 2020.
  - The development proposed is erection of a two storey detached dwelling, including alterations to plot access, following the demolition of existing double garage.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matters

3. The Council state in their statement of case that the decision notice erroneously refers to Policy NH1, of a Local Plan for Sefton (2017) (LP), as opposed to NH9. They also highlight that Policy NH15 is applicable and the scheme would also be contrary to this Policy.

### Main Issue

4. The Council considered the original design of the proposed dwelling failed to preserve or enhance the character of the area. The appellant subsequently amended the scheme to prevent this issue constituting a reason for refusal. The Council consider the amended design to be acceptable and I have no reason to disagree.
5. The main issue is therefore whether the proposed development would preserve or enhance the character or appearance of the Blundellsands Park Conservation Area (CA).

### Reasons for the Recommendation

6. No. 23 is located within a residential area and to the north western edge of the CA. The appeal site forms a prominent corner plot and contains an attractive arts and crafts property, originally built as a lodge house. The dwelling is

located to the northern part of the site and has a large garden predominantly to the side. The property fronts Park Drive and is also adjacent to The Serpentine North. Opposite the site frontage is Blundellsands Key Park which is a private members park. The park provides a break in built development between Park Drive and Warren Road.

7. The Blundellsands Conservation Area Appraisal (2008) (BCAA) outlines the character of the area. It highlights that the spatial character of Blundellsands is largely defined by the strong linear influences of the coastline, railway and the roads that run parallel to it, together with the sweeping curves of The Serpentine that dissect them into small blocks. The grain and density of the CA is predominantly defined by generous plots containing large semi-detached or detached houses. The sense of spaciousness is critical to the character of the CA which is achieved through the space between properties and widths of the street. The CA acknowledges that some poor quality developments, including the subdivision of plots, have negatively impacted the character of the area.
8. The BCAA identifies that No. 23 contributes to the character of the area and is surrounded by primary and secondary landmarks. Key Park Gates and St Nicholas Fountain are identified as primary landmarks and Blundellsands Hall (No. 108) is identified as a secondary landmark. No. 108 faces towards, and is accessed via, The Serpentine North. It is adjacent to the appeal site and is a large detached dwelling set within large grounds situated close to the common boundary shared with the appeal site.
9. The Conservation Officer highlights that No. 23 could be regarded as a non-designated heritage asset (NDHA) through its special character and type, with the retention of many of its original features. The Council's officer is more definite in their judgment in the appeal statement. They state that the application site containing No. 23 is a non-designated heritage asset by virtue of the dwelling contributing positively to the character and appearance of the CA.
10. The Planning Practice Guidance provides advice on the process that should be followed when identifying a NDHA<sup>1</sup>. Policy NH15 of the LP relates to NDHAs and states that developments affecting NDHAs will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced. The supporting text of the policy sets out that the Council aims to identify locally designated heritage assets to help clarify which sites this policy will apply to. I have not been provided with such a list.
11. The PPG does state that "in some cases" NDHAs may be identified during the application process, for example, following archaeological investigations. Based on the evidence submitted, the planning application was not accompanied by any assessment of historical significance and nothing of that nature has been presented by the Council. Consequently, the process by which the Council has arrived at its conclusion regarding the NDHA is not transparent. Thus, whilst the property makes a positive contribution to the area and its design as well as its origins of a gate lodge are of interest, it is questionable whether it should be considered as a NDHA.
12. Framework paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great

---

<sup>1</sup> Paragraph: 040 Reference ID: 18a-040-20190723

weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

13. I observed on my site visit that Park Drive is a gated private road and contains primarily detached houses set within generous grounds. The plot sizes as well as the scale, massing and architectural styles of properties vary. Yet, along Park Drive there is a sense of spaciousness and openness because of the park to the east, grass verge, spacing between properties and given that dwellings are set back from the highway. Properties are generally well screened by mature vegetation and centrally sited within the plot.
14. The development would also be seen within the context of buildings along The Serpentine North. Although some of these buildings are not within the CA they still contribute to the character of the area and the development would be seen alongside them. This section of The Serpentine North comprises a mix of buildings including the unsympathetic apartments to the north of the site and more modest dwellings, compared to those found within the CA.
15. No. 23 forms a more prominent corner plot than other dwellings situated within Park drive, the plot is open with lower boundary treatment. Although the existing dwelling and proposed dwelling would have a frontage of approximately 35 metres each and there would be around a 12m separation distance between the proposed dwelling and No. 23, the subdivision of the plot would significantly impact the spaciousness of the site and would alter the building to plot size ratio.
16. The spacious gardens of both No. 23 and No. 108 allows these dwellings to be viewed as attractive and prominent dwellings set within spacious grounds. By filling in the gap between these properties with a substantial building, it would result in the sense of openness and grandeur being lost. The subdivision of the plot would not reflect the established pattern of development and would result in both No. 23 and the new dwelling appearing cramped within their plots as the gap between the properties would be modest and not reflect the spaciousness of the CA.
17. The dwelling would be in close proximity to the garage at the rear of No. 108 and close to the side elevation of that dwelling. The garage is an attractive building in its own right and appears to have been designed and constructed to mirror the materials and design of the dwelling. When viewed from The Serpentine North there are clear views of the side elevation of the property and the associated garage. Those views allow the prominent building to be seen in relative isolation and the space around the property adds to its grandeur. In contrast, the proposed dwelling would appear very close to the side of No. 108. The reduced sense of openness around this important and prominent building would detract from the sense of grandeur and the positive influence the property has on the character and appearance of the area would be significantly diminished.
18. The development would result in three dwellings, two of which are recognised as being important to the CA, located within close proximity to one another and

this would be apparent from the surrounding area because of the openness of the site.

19. Views of the Blundellsands Key Park through the appeal site, which contains dune features, are visible from The Serpentine North. The scheme would also restrict the currently open views through the garden to the park. Due to the prominence of the site, and low boundary treatment, the development would be conspicuous from the highway. Consequently, the subdivision of the plot would unduly compromise the sense of spaciousness and open views across the plot which are key elements of both the site and the CA.
20. The area has evidently altered over the years and a number of large plots have been subdivided which results in a higher density of development. Although the development would see the original plot boundary of the site being restored, No. 23 has been significantly extended since it was originally built. Thus, both the size of the dwelling and plot have increased and the building to plot size ratio is in keeping with the CA. From the evidence before me, the area to the side of No. 23, subject to the appeal, has never contained a dwelling.
21. The development proposed would also alter the existing man-made designed dune features. These are an important landscape feature which reflect the coastal location and Policy NH12 of the LP seeks to protect such features. The dunes are not widely conspicuous from the highway because the existing boundary treatment and built development largely screens them. The drawings show that the dunes would be retained but would be reduced in size and re-landscaped. Hence, the altered dunes would have a negligible impact upon the character and appearance of the CA.
22. I understand that the impact of the proposed development has been assessed using a cultural heritage impact assessment methodology based upon the International Council on Monuments and Site, Guidance on Heritage Impact Assessments. Both main parties agree that the CA has a medium value. As key elements are being significantly modified the scheme would have a moderate impact. I therefore find that the proposal would result in harm to the character and appearance of the CA. The harm arising would be less than substantial, nonetheless it is of considerable importance and weight. In accordance with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
23. The appellant asserts that the development would provide social, environmental and economic benefits. They set out that the development would provide a new dwelling, replace poor quality vegetation, potential for net biodiversity gains, economic benefits including within the construction industry, Council tax revenue and New Homes Bonus.
24. From the evidence before me, the Council can demonstrate a 5-year housing supply. The highlighted benefits carry very limited weight given the small scale of the development. The environmental benefits, including the replacement vegetation and biodiversity gains, could be achieved without the development. The public benefits do not outweigh the harm that would be caused to the designated heritage asset.
25. For the reasons set out above, the proposed infill development would have an adverse effect upon the character and appearance of the CA. The proposal

would not preserve or enhance the character and appearance of the CA. Consequently, the scheme would conflict with Policies NH9, NH12 and NH15 of the LP as well as the Framework. These policies and the Framework seek, amongst other matters, to promote high quality design which preserves or enhances the character or appearance of heritage assets.

#### *Other Considerations*

26. The Council and appellant have drawn my attention to an approved application<sup>2</sup> and refused application which was later dismissed at appeal<sup>3</sup>. The appeal scheme cannot be directly compared to these decisions as the context and importance of the site, including the openness and prominence of the plot, differs. Thus, I have considered the appeal on its individual merits.

#### **Conclusion and Recommendation**

27. For the reasons given above I recommend that the appeal should be dismissed.

*L M Wilson*

APPEALS PLANNING OFFICER

#### **Inspector's Decision**

28. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

*Chris Preston*

INSPECTOR

---

<sup>2</sup> Reference DC/2019/01671)

<sup>3</sup> References S/2013/0912 and APP/M4320/A/14/2212936