



Appeal Decision

Site Visit made on 2 March 2021

by Graham Wright BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2021

Appeal Ref: APP/P2365/W/20/3264892

52A New Cut Lane, Halsall, Southport, PR8 3DW

- 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 Ray Barton against the decision of West Lancashire Borough Council.
 - The application Ref 2020/0158/OUT, dated 10 February 2020, was refused by notice dated 11 September 2020.
 - The development proposed is the construction of 3 number, 3 bedroom detached houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline form with approval being sought in relation to the matters of access, layout and scale. The matters of appearance and landscaping are reserved for later consideration. Therefore, I have assessed the appeal based upon the plans that have been submitted, where they refer to those matters for which approval was sought.
3. There is a discrepancy between the site area shown on the red line site plan and other plans submitted with the appeal. This has the effect of meaning that the garden area of plot 1 would fall outside of the site area identified on the site plan. However, I consider that it will not prejudice the interests of any party to proceed to assess the proposal on the basis of the layout plan submitted, which includes the garden to plot 1.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of the adjacent dwellings, with particular reference to privacy and disturbance.

Reasons

52 New Cut Lane

5. The existing dwelling at 52A New Cut Lane is accessed via a single width driveway that runs between 52 and 54 New Cut Lane. This driveway would also be used to access the three new dwellings that are proposed. It runs immediately alongside the side elevation of No 52, on which there are two clear glazed windows and one obscurely glazed window. There is a greater degree of separation between the driveway and the side of No 54.

6. The Highways Technical Note that has been submitted anticipates that there would be 18 two-way journeys along the driveway per day arising if the three new dwellings were permitted in addition to that which already exists at No 52A. This is in comparison to the anticipated 4 two-way journeys which are currently associated with No 52A alone. This represents a substantial increase in vehicles passing along the shared driveway throughout the course of a day. No details have been provided with respect to expected pedestrian movements, however it would be reasonable to surmise that these too would be substantially increased in comparison to the current situation.
7. All of these vehicle and pedestrian movements would pass by immediately adjacent to the side elevation of No 52. It is said within the Committee Report that the two clear glazed windows serve a kitchen and a third bedroom/dining room. The Noise Assessment (NA) concludes that the noise generated from the movement of vehicles would not, in the context of the surrounding area, be of a magnitude to cause harm to the living conditions of the occupiers of No 52, subject to the provision of new tarmac surfacing on the driveway. However, it is not clear if the NA anticipates a scenario where what it refers to as the dining room is instead used as a bedroom.
8. In any event, the increased number of movements would substantially reduce the privacy of the occupiers of No 52, with respect to vehicles passing the windows but in particular in terms of pedestrians who are walking along the driveway. Its occupiers would also encounter frequent disturbance from the physical movements of people and vehicles past these windows, in a way they do not experience at the current time. The fact that such movements would take place so close to the windows would intensify these impacts greatly. Overall, this would result in significant harm to the living conditions of the occupiers of No 52.
9. The existing driveway is surfaced with loose stones. It is suggested that a benefit of the appeal proposal would be that a new tarmac surface could be secured and that this would reduce noise compared to the existing surface. However, this would only be a comparative benefit in terms of the existing movements from 52A. The addition of three further dwellings would result in other harm to the living conditions of the occupiers of No 52 and this harm would not be outweighed by the benefits of providing No 52A with a tarmac surfaced drive

48 and 56 New Cut Lane

10. As the application is in outline form, it has not been established where windows would be located on the proposed dwellings and which rooms they would serve. With respect to plot 1, any windows in its rear elevation would face towards the end of the extensive garden of 48 New Cut Lane. Whilst the garden of plot 1 would not meet the usually expected length of 10 metres, the deficiency that would exist in this instance would not result in harm, as the overlooking would be onto a part of the garden of No 48 that is well away from the dwelling itself and does not represent a private area of its garden.
11. Any windows on the front elevation of plot 1 would face towards part of the garden of 56 New Cut Lane. Whilst this area too is well away from its associated dwelling, it is laid out with a pond and seating which suggests that it forms a well-used part of the garden of No 56. However, any impact from the proposed dwelling on plot 1 could be mitigated by the use of obscure glazing

and the positioning of windows on this proposed dwelling. Overall, I find that no harm would arise from overlooking from the proposed dwelling on plot 1.

Conclusion on main issue

12. Whilst there would not be harm from overlooking from plot 1, the proposed development would cause significant harm to the living conditions of the occupiers of 52 New Cut Lane due to the movement of vehicles and pedestrians close to the side windows of the dwelling. Consequently, the proposal would fail to accord with Policy GN3 of the West Lancashire Local Plan 2013, where it seeks to protect living conditions. There would also be conflict with the Design Guide Supplementary Planning Document 2008 where it refers to the same aims.

Other Considerations

13. The Government's objective is to significantly boost the supply of housing and the proposal would provide three modern homes in a location with adequate access to services. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment. There would be benefits arising from the contribution of future residents to the local economy and through the generation of Council Tax revenue. However, given the small scale of the proposal, the provision of the additional housing and the benefits arising attract moderate weight.
14. I acknowledge that there are other examples of backland development in the area but I have based my decision on the merits of the case that is before me and the specific impacts it would have. That there were no objections from statutory consultees or that there may not be harmful impacts on ecological interests and the highway network are neutral considerations in the assessment of the proposal.

Planning Balance & Conclusion

15. My attention has been drawn to the fact that the appeal site falls within a housing allocation within the LP. However, this is a large allocation and there is nothing before me to suggest that dismissing this appeal would prevent the allocation coming forward for the purposes it is intended. Ultimately, the failure to accord with Policy GN3 of the LP and to retain reasonable levels of privacy and amenity means that the proposal would fail to accord with the development plan, taken as a whole.
16. There would be benefits of moderate weight arising from the construction of the 3 proposed dwellings. Conversely, the proposal would cause significant harm to the living conditions of the occupiers of 52 New Cut Lane. The benefits arising would not outweigh the harm that would result, and the subsequent conflict with the development plan.
17. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Accordingly, the appeal should be dismissed.

Graham Wraight

INSPECTOR