



Appeal Decision

Site visit made on 12 October 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2021

Appeal Ref: APP/H4315/W/21/3275485

21 Kenyons Lane South, Haydock, WA11 0LH

- 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 Zoe Enterprises Ltd against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref P/2020/0700/FUL, dated 12 June 2020, was refused by notice dated 20 November 2020.
 - The development proposed is described as "*demolition of existing garage and outrigger within the site of no. 21 Kenyons Lane South, followed by erection of pair of semi-detached dwellings, together with alteration of existing site access and boundary wall, landscaping and associated external works*".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised plan was submitted with the appeal that proposes minor alterations to the layout of the proposed forecourt area. This plan also seeks to demonstrate that a car would be able to turn within the site so as to enter and leave in a forward gear. However, I note that it shows a different built footprint for the proposed dwellings which does not accord with the submitted elevational drawings and internal layout plans. It also shows a different red line site boundary. Accordingly, I have only had regard to it insofar as it seeks to demonstrate that a car would be able to turn within the site. Both the Council and interested parties have had the opportunity to comment on this plan through the appeal process.

Main Issues

3. The main issues are:
 - (a) Whether the development would provide adequate living conditions for future occupiers with regard to outlook and suitable private garden space;
 - (b) Whether the development would prejudice highway safety, and;
 - (c) The effect of the development on the character and appearance of the area.

Reasons

Living conditions

4. The development would introduce 2 semi-detached dwellings on land to the rear of the host property. These would be in a backland location, close to the eastern boundary of the site.
5. The Council's New Residential Development Supplementary Planning Document ('SPD') (2011) states that the minimum rear garden depth for houses should generally be 10 metres. In this case, however, the garden areas to both proposed dwellings would be significantly below this level at around 6 metres in depth (according to the Council). The garden space to the southernmost dwelling would be particularly cramped and would consist of a very small rectangular area to the rear, and an irregularly shaped piece of land to the side. This latter area would have limited usability due to its width and shape. Whilst the garden area to the northernmost dwelling would be slightly larger and more regular in shape, it would also incorporate a long narrow section that would have limited usability and would be adjacent to a north facing gable.
6. The Council's SPD constitutes guidance rather than policy, and it allows for garden depths of less than 10 metres where the surrounding character justifies this. In this case, however, I consider the size and shape of the proposed rear gardens to be inadequate, particularly given that the dwellings would be 3 bedroom units that could accommodate families with children.
7. Separately, the ground floor kitchen/breakfast room to the northernmost dwelling would look out directly onto a rear boundary fence at close quarters. Given the size of this room, it is likely to be used as a kitchen/diner by future occupiers. The boundary fence would be an obtrusive feature that would largely obstruct the outlook from this room. This arrangement would also be unacceptable in my view.
8. For the above reasons, I conclude that the development would provide inadequate living conditions for future occupiers with regard to outlook and suitable outdoor garden space. It would therefore be contrary to the relevant sections of Policy CP1 of the St Helens Core Strategy (2012), and guidance contained in the New Residential Development SPD (2011). This policy and guidance seek to ensure, amongst other things, that new development provides adequate garden space and avoids detrimental impacts on residential amenity.
9. Separately, Policy GEN 14 of the St Helens Unitary Development Plan ('UDP') (1998) is not directly relevant in this case as it only refers only to living conditions in relation to appropriate levels of light, privacy, and security.

Highway safety

10. The development would be accessed via Kenyons Lane South. This is a busy link road between the A599 Church Road to the south and the A580 East Lancashire Road dual carriageway to the north.
11. Given the volume of traffic and visibility at the proposed access point it would be dangerous for vehicles to reverse out from the site onto Kenyons Lane

South. In this regard, a plan¹ has been submitted with the appeal that seeks to demonstrate that vehicles would be able to turn within the site and enter and leave in a forward gear. However, it is unclear whether this plan represents a genuine swept path analysis, and the precise vehicle tracking is not shown. Moreover, this plan shows that vehicles would need to use land identified as parking spaces on the Proposed Site Plan² in order to turn. Were these spaces to be occupied, then this manoeuvre would not be possible. Accordingly, it is not clear that a vehicle would be able to turn within the site.

12. A total of 4 car parking spaces are proposed to serve both the host property and the proposed dwellings. This equates to 1 dedicated space per dwelling, with an additional space for visitors. However, given that each of these properties are family sized units, this level of provision is likely to be inadequate. I further note that there are double-yellow lines along this section of the road, and the availability of on-street parking nearby is limited by the number of domestic accesses that cross the footway. In these circumstances, it is likely that the under-provision of spaces within the site would lead to additional parking on the forecourt area, which could further limit the ability of a vehicle to turn within the site.
13. Whilst I note that the plan submitted with the appeal shows a space in the front garden area of No 21, this land was not used for that purpose at the time of my site visit. It is also outside of the site boundary for this appeal.
14. Some highways matters raised in the Decision Notice are not reflected in the comments provided by the Highway Authority. However, these comments do not prevent the Council from identifying additional concerns, and I have dealt with these on their merits.
15. For the above reasons, I conclude that the development would be likely to prejudice highway safety. It would therefore be contrary to Policy CP2 of the St Helens Core Strategy (2012), Policy GEN 14 of the St Helens UDP (1998), and guidance contained in the New Residential Development SPD (2011). These policies and guidance seek to ensure, amongst other things, that new development provides a safe access and adequate on-site car parking. It would also be at odds with the National Planning Policy Framework ('the Framework'), which requires that a safe and suitable access be achieved.

Character and appearance

16. It is proposed to demolish the existing single storey outbuilding and retain the western part of the site as a parking and turning area. This would create a lengthy forecourt in front of the proposed dwellings that would mostly consist of hardstanding.
17. The forecourt area would largely be positioned between Nos 19 and 21 Kenyons Lane South and would be partially screened by existing boundary walls and hedging. Additional planting could also be secured by condition. In this regard, the forecourt would only be clearly visible from along a short section of the street in front of the development. Moreover, the site largely consists of hardstanding at present, and the development would not result in any significant deterioration in its appearance. I further note that the surrounding area has a mixed character, and the site is at a transition point

¹ Ref P-AL-00-002 Rev A

² Ref P-AL-00-002 Rev D

between semi-detached properties to the north, and commercial properties to the south. In these circumstances, I do not consider that there would be any significant visual harm arising from the development.

18. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the area. It would therefore accord with the relevant sections of Policy CP1 of the St Helens Core Strategy (2012) and guidance contained in the New Residential Development SPD (2011). These policies and guidance seek to ensure, amongst other things, that new development maintains or enhances the overall character and appearance of the local environment and is sympathetic to surrounding land uses.

Other Matter

19. It is asserted that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. I return to this matter in my 'Overall Balance and Conclusion', below.

Overall Balance and Conclusion

20. As set out above, I conclude that the development would provide inadequate living conditions for future occupiers and would be likely to prejudice highway safety. It would be contrary to the development plan in these respects.
21. Set against this, the development would provide 2 family dwellings on a previously developed site, in a relatively accessible location. Moreover, it would generate some economic benefits through the creation of employment and the purchasing of materials and furnishings.
22. In these circumstances, even if the 'tilted balance' at paragraph 11 of the Framework were engaged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in my view. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
23. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR