



Appeal Decision

Site Visit made on 19 October 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2021

Appeal Ref: APP/V4305/W/21/3273678

The Pingwood, Carls Way, Tower Hill, Kirkby L33 1TA

- 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 Tony Sayers against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 20/00436/FUL, dated 21 July 2020, was refused by notice dated 19 November 2020.
 - The development proposed is described on the application form as the erection of a terrace of 6 no. 1 bed dwellings with home office, private parking, first floor terrace balconies and associated vehicular access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework was published in July 2021 (the Framework). Whilst the paragraph numbers have changed in regard to those relevant to the main issues of this case, the substance thereof remains the same as the 2019 iteration. I have had regard to the revised Framework in this decision.

Main Issues

3. The main issues are (i) the effect of the development on the character and appearance of the area, (ii) the effect of the development on crime and safety, (iii) whether the proposed development would provide for a satisfactory standard of accommodation for its future occupiers with particular regard to outlook and private amenity space, and (iv) the effect of the development on highway safety with specific regard to parking.

Reasons

Character and Appearance

4. The appeal site comprises of an area of hardstanding and other land that previously accommodated a public house. It is surrounded by areas of green space, with the wider area predominantly residential in use. These residential properties are mainly two storeys which form short terrace rows. They have a similar appearance and generally face the highway at varying setback distances. This provides the area with a spacious and harmonious suburban character.

5. The appeal scheme is a re-design which seeks to overcome concerns following a previous appeal decision¹. Its two-storey form and arrangement as a terrace would generally reflect the height and plan form of nearby residential properties. It would also make use of some materials and certain detailing from the era of surrounding development. The proposal would however adopt an unusual design where each individual house would have a gap at first floor level with the adjoining dwelling. This would contrast with the terrace rows in the area which, apart from some front porches and single storey projections to the rear, are formed of continuous two storey runs of properties with a dual pitched roof extending across the length of the terrace. I do not consider the mono-pitch roof form proposed to be a typical roof design in the area, and the proposal would appear uncharacteristic in this regard.
6. The parking provision would be closely related to the respective dwelling but the layout of the proposal, which would be orientated at around 90 degrees from Carl's Way and have its gable end positioned close to the footway, would contrast with the majority of existing housing in the area that face directly on to a road. Whilst the form of the development proposed, with its mono pitch roof design and gaps at first floor level may not be a new concept and has been used elsewhere, in this suburban context, it would not reflect the prevailing form of development. I was also able to see that although the appeal site is positioned within a wider area of open space, to the south, existing dwellings are situated a short distance beyond a small area of open space and path. Nevertheless, the development provides limited areas of landscaping around the proposed dwellings and access road that would prevent it from assimilating into its surroundings which contain various open space areas and generous gardens.
7. I therefore conclude that the development would be harmful to the character and appearance of the area. As such, it would be contrary to Policies CS2, CS12, CS19 and CS21 of the Knowsley Local Plan Core Strategy (CS), which seek, amongst other matters, for new development to integrate effectively with existing development and enhance local character. It would also be contrary to Paragraph 130 of the Framework, which seeks to ensure that development is sympathetic to local character.

Crime and Safety

8. It is common ground between the main parties that the appeal site is in a location that suffers from a high level of crime and anti-social behaviour. In response to this, the layout of the proposal has been amended from that considered on the previous appeal to provide views of the parking area which would be within the curtilage of the respective dwelling to avoid internal footpaths.
9. The Council's concerns and comments from the Police Architectural Liaison Officer relate to the consideration that the site is in an isolated location within an open space area and the lack of natural surveillance of the development. The appellant has set out that the separation distance from the first floor windows of the existing dwellings to the south of the appeal site, is the minimum required to prevent direct overlooking. I accept that at this distance, some views are provided towards the site, without giving rise to harmful overlooking. However, at ground floor level, these same neighbouring

¹ Ref: APP/V4305/W/19/3240909

properties have high fences along their boundaries and from my site observations, this creates a secluded environment in the area around the appeal site. Winmoss Drive is also referenced, but this is a considerable distance to the north and whilst there would be views over the open space towards the appeal site, these would be at distance and provide little by way of surveillance.

10. The layout and design of the development, and in particular the height and position of the balconies in close proximity to footpaths and public open space areas would leave the properties vulnerable to burglary, in a location which would potentially provide criminals a variety of means of escape. The appellant has also set out that the current scheme provides natural surveillance from habitable rooms on two levels. I accept that the occupants of the proposed houses would have views around the development and through the boundary treatment which would be formed of visually permeable railings separating the public and private spaces. However, at night, such surveillance would be reduced around this development and of nearby existing housing, as would the use of the nearby park. Although the development has been described as being similar to houses which face on to an open road, the appeal development would be situated broadly at a right angle to the road. As such and given the location of the site on a cul-de-sac without passing traffic, I consider the development would be vulnerable to crime and anti-social behaviour and lead to an increase in such instances in the area.
11. I therefore conclude that the development would not be acceptable in relation to crime and safety. As such, it would be contrary to CS Policies CS2 and CS19 and Saved Policy DQ2 of the Knowsley Replacement Unitary Development Plan 2006 (UDP), which seek, amongst other matters, development to be designed to provide good levels of property security and minimise crime and anti-social behaviour. The development would also conflict with Paragraph 130 of the Framework, which seeks, amongst other matters, to create places that are safe. Although reference has been made to CS Policy CS7, this relates to transportation matters and is not directly relevant to crime and safety.

Standard of Accommodation for Future Occupiers

12. Each dwelling would be provided with a private terrace/balcony in an elevated position at first floor level. There is some difference between the parties on the size of this space, but even taking the appellant's figure of 9sqm, it would be limited in size. I take note of the size of the proposed dwellings which are intended to be occupied by a small number of people. Future occupants would however still require sufficient space for activities that private amenity areas are typically used for.
13. The terrace/balcony space on each dwelling would be able to accommodate some of this, such as providing a space to sit in, accommodating planting pots or for hanging washing. I don't however consider the overall size of each of the spaces and in particular the stated widths of around 2m to be sufficient to provide an appropriate level of amenity space to accommodate all of the typical garden activities. I have taken account of the large, glazed screen enabling the internal living areas to be linked with the outdoor spaces, but I am not persuaded that linked internal covered areas would adequately compensate for the limited external amenity space.

14. The appellant considers the proposal is similar to an apartment scheme which could be built without a balcony. The appeal scheme however involves the development of houses and not apartments. The Council also do not agree with the appellants position and reference standards in a Supplementary Planning Document which would require apartments to provide private amenity space. I further note that the development has not included ground floor gardens to avoid privacy fences. In any event, these points do not justify allowing a proposal that would not adequately safeguard living conditions of future occupiers in relation to private amenity space.
15. The living room spaces within the proposed dwellings would have large areas of glazing facing the balcony/terrace areas. A gable wall immediately beyond would limit the outlook from most of these living room windows. The living room areas are however provided with a further window each on the southern elevation to the respective dwelling which provides for an unobstructed outlook. The living room areas are also open plan to the kitchen space which is served by a number of windows. As a result, I consider the proposal would provide adequate outlook.
16. Nevertheless, I conclude the development would not provide satisfactory accommodation for future occupiers with regard to private amenity space. As such, it would be contrary to CS Policies CS2 CS19 and CS26, which seek, amongst other matters, to a good standard of amenity for all existing and future occupants of land and buildings. It would also be contrary to Paragraph 130 of the Framework which seeks a high standard of amenity for existing and future users

Highway Safety

17. The Council has stated that they consider the proposed development to be for 2 bedroom dwellings, and as a consequence, have referenced the need to provide 2 parking spaces per dwelling. The development description on the application form however references the proposal as being for 6 no. 1 bedroom dwellings and this is reflected in the submitted plans. I note the Council consider that the home office could be used as a bedroom, but I have not been provided with dimensions of this room. Given its more limited size compared to the bedroom, I have considered this appeal as applied for. Both parties make reference to guidance within 'Ensuring a Choice of Travel' Supplementary Planning Document, although this document has not been provided to me. Based on the information before me, I consider that for the size of the dwellings proposed, the parking, provided at a level of 1 parking space per dwelling would be adequate.
18. The access to the proposed dwellings off Carls Way would be 4.2m wide and I consider this to be adequate to allow two vehicles to pass. The appellant has also set out that there is a service strip of 1.8m which, when combined with the width of the access, would provide 6m space to manoeuvre into and out of the parking spaces. There are some differences between the main parties as to the actual width of the proposed parking spaces, but based on the lower figure of 3m, this would allow for the parking of a car and for space to walk to the front door. I note the concerns in relation to pedestrian visibility, but as vehicles would be exiting slowly from the parking space, I do not consider they would give rise to unacceptable safety issues for pedestrians.

19. No cycle storage details were provided with the appeal application, but the appellant has indicated how this could be accommodated securely. Had the appeal been otherwise acceptable, this matter could have been dealt with by condition.
20. I conclude that the proposed development would be acceptable in relation to parking and would not have a detrimental effect on highway safety. As such, the proposal would therefore be compliant with CS Policies CS2, CS7 and CS19 and with UDP Saved Policy DQ2, which seek, amongst other matters, for development to incorporate access for private vehicles and to encourage safe and sustainable access. It would also comply with guidance in Section 9 of the Framework.

Other Matters

21. I note that no concerns have been raised previously on the principle of residential development on the site. This is however a neutral consideration and not one which weighs in favour of the proposal.
22. The appellant has suggested reducing the number of dwellings and other amendments to the appeal scheme. I am however required to determine the appeal before me on its own merits. A condition has also been suggested which would require the development to obtain 'Secure by Design' certification. Whilst this would provide for certain security measures, it would not overcome the harm from the layout and design of the proposal.
23. The appellant has raised concerns on the lack of engagement by the Council during the course of the application which led to this appeal. I appreciate that some matters may have been resolved by negotiation. I am however tasked with determining the appeal on its planning merits and impacts, and administrative matters such as these should be taken up with the Council.
24. I have taken into consideration matters relating to the former public house, including its relationship with the surrounding housing and green space, as well as previous problems associated with it of crime and anti-social behaviour, but none of these matters would lead me to a different decision.

Conclusion

25. I have found in the appellants' favour in relation to the effect on highway safety. However, this is significantly outweighed by the effect on the character and appearance of the area, on crime and safety and the less than ideal standard of accommodation that would be created for future occupants. Accordingly, for the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR