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# Appeal Decision

Site visit made on 11 October 2022

**by J Williamson BSc (Hons) MPlan MRTPI**

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

**Decision date: 21 November 2022**

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**Appeal Ref: APP/V4305/W/22/3301426**

**Land at Church Road/Okell Drive, Halewood, Merseyside**

- 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 Simon Dimelow against the decision of Knowsley Metropolitan Borough Council.
  - The application Ref 20/00360/FUL, dated 18 June 2020, was refused by notice dated 15 June 2022.
  - The development proposed is described as erection of a children's day nursery including new vehicular access and egress.
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## Decision

1. The appeal is dismissed

## Applications for costs

2. An application for an award of costs was made by Mr Simon Dimelow against the decision of Knowsley Metropolitan Borough Council. This application will be the subject of a separate Decision.

## Preliminary Matters

3. Revised plans were submitted during the planning application, which comprised of alterations to the proposed access/egress. I have made my Decision based on the amended plans, as did the Council.
4. The revised plans resulted in the Council changing the description of proposed development from that provided on the planning application form (provided in the header above) to: erection of a children's day nursery together with the construction of a single vehicular access/exit off Okell Drive. As the revisions made are specific to the access/egress arrangements, I consider the change in the description more accurately describes the proposal. This description has also been used by the appellant on the appeal form. I have therefore made my Decision on this amended description of proposed development.

## Main Issues

5. The main issues are:
  - the effect of the proposal on the street scene/character and appearance of the area, and
  - the effect of the proposal on the living conditions of occupiers of existing neighbouring properties.

## Reasons

### *Character and appearance*

6. The site consists of a triangular shaped area of informal, public green space located on the edge of a residential estate. The space is comprised mainly of mown grass with a couple of groups of mature trees located within it. There is a roundabout just beyond the north-eastern tip of the site, again comprising of mown grass and a group of mature trees. The site is bounded by Okell Drive along the south-eastern boundary, the rear of dwellings on Elworthy Drive along the south-western boundary and Church Road along the northern boundary, beyond which is open countryside. The dwellings located west of Okell Drive are set back some distance from the road's edge, behind a deep grass verge.
7. The green space of the site, the grass verge along Okell Drive, other grass verges within proximity of the site, a woodland area off Church Road north-west of the site and the open countryside beyond Church Road, collectively give the area around the residential built development a spacious, verdant character.
8. As it exists, the spacious, open nature of the site is visible from the stretch of Church Road north-west of the site travelling south-easterly towards it, from Cartbridge Lane north-east of the site travelling south-westerly towards it, and from Okell Drive travelling north-easterly towards it.
9. I appreciate that most of the proposed development would be set back from Okell Drive around the depth of the existing grass verge. Additionally, a grass verge would be created between the northern boundary of the site and Church Road (though by no means as deep as the grass verge on Okell Drive). Also, some existing trees would be retained, some trees would be planted to replace those that would be lost, and hedges would be planted around most of the site's boundary.
10. However, the south-eastern elevations of the proposed building would directly face Okell Drive, and the proposed building would be highly visible from it, even from some distance south-west of the site as one travels in a north-easterly direction along Okell Drive. The hard-surfaced vehicle and pedestrian access point that would cut through the grass verge off Okell Drive would also be visible from it, along with the extensive hard-surfaced car parking and turning areas proposed within the site. Despite trees being retained and the additional tree and hedge planting proposed, the building proposed would still be visible through the trees and beyond boundary hedges from Church Road and Cartbridge Lane.
11. Consequently, I consider the proposal would significantly alter the character and appearance of the site. The spacious, open character and appearance of the site would be lost, which would be to the detriment of the area. The proposal would remove an area of informal, open, public green space that provides a significant link between the built development of the housing estate and the countryside beyond Church Road. As such, I conclude that the proposal would substantially harm the character and appearance of the area.
12. The proposal would therefore not accord with Policy CS2 of the Knowsley Local Plan Core Strategy 2016, which, among other things, requires new

development to enhance local character and promote quality of place, by respecting the character and distinctiveness of places.

*Living conditions*

13. The proposal would give rise to 2 potential sources of noise disturbance to occupiers of existing residential properties primarily located on Elworthy Avenue, mainly numbers 31-40. Thus, noise from the car parking/turning areas and noise from the outdoor play areas.
14. As noted, the proposal would include a vehicle access/egress point off Okell Drive, which would lead directly to the proposed on-site car parking and turning areas. The amended arrangement for access/egress and turning within the site would result in a total of 17 No. on-site car parking/drop-off spaces; 6 No. of which would be laid out parallel with the site boundary that is adjacent to the boundary of the rear gardens of dwellings located on Elworthy Avenue. The number of spaces proposed that would be adjacent to the boundary fences would be significantly less than the 13 spaces that were originally proposed to be adjacent to the fence, arranged at 90deg to it.
15. The proposal would include 2 No. outdoor play areas, one of which would be located north-west of the proposed car parking area, around 24 m from the rear of the nearest properties on Elworthy Avenue. There would also be a moderate screen of trees and hedges between the houses and the play area. The other play area would be located within the north-eastern corner of the site, around 34 m from the rear of the nearest properties on Elworthy Avenue, with the proposed building located between the houses and the play area.
16. I note that the Council is concerned that no up-dates were provided to the Noise Report following the amendments to the proposal. The noise assessment was carried out for the original proposal. In summary, the Noise Report concludes that, primarily, subject to either the replacement of the existing rear boundary fences of properties adjacent to the site on Elworthy Avenue with a suitable fence, or installation of a new acoustic fence adjacent to the existing fences, the proposal would not result in unacceptable levels of noise disturbance to occupiers of existing properties, particularly those on Elworthy Avenue.
17. Although the Report was compiled for the proposal as originally submitted, bearing in mind the findings of the assessments (in the context of the limited nature and extent of the changes to the proposal), the number of children that would attend the facility, the proposed opening hours, the time and during of most drop-off/collection times, the extent of outdoor play future attendees would be likely to take part in, and the installation of an acoustic fence along the south-western boundary of the site, I consider the occupiers of existing neighbouring properties, particularly Nos 31-40 Elworthy Avenue, would not be subjected to unacceptable levels of noise disturbance.
18. The proposal would therefore accord with Saved Policy H5 of the Knowsley Replacement Unitary Development Plan 2006<sup>1</sup>, which, among other things, requires new development in residential areas to not have an unacceptable impact on the living conditions of occupiers of existing neighbouring properties.

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<sup>1</sup> Regarding the matter of protecting the living conditions of occupiers of existing neighbouring properties, I consider Saved Policy H5 to be consistent with sub paragraph 130 f) of the National Planning Policy Framework.

### *Other considerations*

19. I accept that the proposed facility would provide additional nursery places within the area, thereby providing parental choice. As I have not been provided with any evidence of there being a shortage of places in the area, I attach limited weight to this matter.
20. The proposed building would be designed with some interest and character, and the proposal overall would screen the variety of boundary fences that exist along the rear garden boundaries of Nos 31-40 Elworthy Avenue. However, good design is a requirement of local and national planning policies anyway, and I do not consider that the existing rear boundary fences of Nos 31-40 Elworthy Avenue harm the street scene. As such, I attach little weight to these matters.
21. The proposal would provide some economic benefits, such as during the construction phase, and some employment opportunities. However, as these benefits would not be extensive, I attach moderate weight to them.
22. Bearing the above factors in mind, I consider that there are no other considerations that would overcome the harm identified which would lead me to conclude other than in accordance with the development plan.

### **Other Matters**

23. I note that should I have been allowing the appeal a Section 106 legal agreement would have been required to secure contributions towards assessing and potentially implementing a Traffic Regulation Order on Okell Drive. However, as I am dismissing the appeal for other substantive reasons, there was no need for me to pursue this matter further with the main parties.

### **Conclusion**

24. Notwithstanding my conclusion regarding living conditions, due to the significant adverse impact the proposal would have on the character and appearance of the area, I conclude that the appeal is dismissed.

*J Williamson*

INSPECTOR