



Appeal Decision

Site visit made on 25 October 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/Z4310/W/22/3300887

151 Quarry Street, Liverpool L25 6DY

- 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 M Connell against the decision of Liverpool City Council.
 - The application Ref 22F/0564, dated 15 March 2022, was refused by notice dated 16 May 2022.
 - The development proposed is to retain constructed surfaced driveway over vacant land at Hillview Gardens, erect new gateposts, gates, and boundary fence, and lay out an area of hard standing to the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner header above is taken from the Council's decision notice and it is also the description used on the appeal form. It differs from the description provided on the application form as it omits some text which referred to a previous planning permission, and therefore provides a more succinct description of the development proposed.
3. At the time of my visit, I saw that the development had commenced with the driveway constructed across the area of open land to the rear of the property, and new gateposts, gate, and fencing erected along the rear boundary of the property. I have therefore dealt with the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the open space and surrounding area; and
 - the recreational function of the open space.

Reasons

Character and Appearance

5. The appeal site is located within a predominantly residential area and comprises the dwelling at 151 Quarry Street (No 151) and its associated garden, along with part of an area of open space situated beyond its rear boundary. Whilst the host property fronts onto Quarry Street, the area of open space is located on the north side of Hillview Gardens. This area of open space includes two large trees on what is otherwise a predominately grassed area of

- land. The existing properties on Hillview Gardens are typically two-storey detached and semi-detached dwellings with short paved front driveways.
6. The appeal scheme consists of the laying of an area of hardstanding within the rear garden of No 151, and the erection of boundary fencing, gateposts, and gates along the property's rear boundary. The Council does not raise any objection in principle to these elements of the appeal scheme. However, the scheme also includes the construction of a driveway across the area of open space to the rear of the property, which is considered to have an adverse visual impact on the open space and surrounding area.
 7. Although relatively modest in size, the area of open space provides a pleasant break amongst the built development on Hillview Gardens and appears as an area of green space which contributes positively to the character and appearance of the area. The driveway consists of two lanes of paving slabs which run across the full width of the open space from the pavement on Hillview Gardens to the rear boundary of No 151.
 8. Given the materials used in its construction and its significant length, the driveway appears as a harsh and dominant feature which causes harm to the character and appearance of the open space and the wider street scene. This adverse impact is further exacerbated by the topography of the site which slopes downhill from the rear boundary of No 151, increasing the driveways prominence in wider views along Hillview Gardens.
 9. The existing footpath which runs diagonally across the area of open space would be removed as part of the appeal proposal. I acknowledge that whilst this would create a single larger area of unbroken green space than previously existed, the driveway is more visually prominent than the existing footpath and will significantly interrupt the open space by facilitating the passing of vehicles across it. I do not find therefore that the removal of the existing footpath would sufficiently mitigate the harm identified.
 10. I observed during my site visit that the driveway had already started to deteriorate in places, including paving slabs which had begun to crack or move. I concur with the appellant's view that these issues could be rectified, however whilst this may lead to a minor improvement in its appearance it would not sufficiently reduce its prominence or overcome the harm caused to the character and appearance of the open space and surrounding area.
 11. In addition, the gate erected on the rear boundary does not line up with the driveway and is relatively narrow. Whilst the gate would afford access to some smaller vehicles, I consider that larger cars or vehicles would struggle to gain access to the site. This would increase the likelihood of vehicles parking on the driveway which would add visual clutter to the site and cause further harm to the character and appearance of the area. Whilst the size of the gate could be increased to rectify this potential issue, it would nevertheless still fail to overcome the harm caused to the visual amenity of the area by the driveway itself.
 12. I therefore conclude that the development is harmful to the character and appearance of the open space and surrounding area. The development therefore conflicts with Policies UD1, GI1 and GI4 of the Liverpool Local Plan 2013-2033 (adopted January 2022) (LP) which seek, among other matters, to ensure that developments are appropriate to their context, take opportunities

to improve the appearance of the area, and protect the visual amenity value of open spaces.

Recreational Use of Open Space

13. The Council acknowledge that, due to its size and the fact that ball games are prohibited, current use of the open space for active recreational use would be limited. In addition, the existing footpath which runs diagonally across the site provides no through route rendering it largely obsolete. As a result, whilst the open space may cater for some activities such as picnics or dog walking, I find that recreational use of the open space would be limited, and that it is predominantly a green space that the local community would walk past rather than use with any frequency.
14. Notwithstanding its likely limited use, I do not find that the appeal scheme introduces a form of development which would prevent any existing recreational use of the site from continuing. Although the driveway would render part of the site unusable, this would be mitigated through the proposed removal of the existing footpath which would provide a single larger area of green space for the public to use than currently exists.
15. I therefore conclude that the development would not have an unacceptable impact on the recreational function of the open space. Accordingly, in relation to this main issue the development would accord with Policies GI1 and GI4 of the LP which seek, among other matters, to protect the recreational function of open spaces.

Other Matters

16. The appellant has referred to a previous planning permission¹ which was granted by the Council in 2017 for the same development as the appeal scheme. The Council however considers that the appeal scheme differs from the previous permission, with the driveway being located further away from the boundary with 20 Hillview Gardens than previously proposed. The Council also consider that the policy context has changed since 2017 following the adoption of the LP in January 2022.
17. Whilst I acknowledge that the appellant may have been delayed from implementing the previous permission due to the covid-19 pandemic and associated national lockdowns, it is common ground between the parties that the permission has now lapsed. It is now incapable of being implemented and therefore does not represent a 'fallback position'. Accordingly, I have determined the appeal proposal upon its own merits and in accordance with the development plan, which in this case is the LP adopted in January 2022 prior to the submission and determination of the application subject of this appeal.

Conclusion

18. I have identified that the proposal would cause harm to the character and appearance of the open space and surrounding area. Whilst the development would be acceptable in terms of its effect on the recreational function of the open space, this is of neutral effect when weighed in the planning balance.

¹ Council Reference 17F/1480

19. The proposal would conflict with the development plan when read as a whole, and there are no material considerations which would outweigh this finding. For the reasons given above the appeal is therefore dismissed.

David Jones

INSPECTOR