



Appeal Decision

Site visit made on 5 September 2023

by M J Francis BA (Hons) MA MSc MCIffA

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/H4315/W/23/3318960

Part of rear garden to 5 Grange Road, Haydock, St Helens WA11 0TU

- 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 A King against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2022/0486/FUL, dated 12 July 2022, was refused by notice dated 22 December 2022.
 - The development proposed is construction of new detached 2-storey house to rear of 5 Grange Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form includes 'This is a resubmission (with a new proposal) of a previous application P/2021/0797/FUL' within the description. For conciseness, I have not included this, but have determined the appeal based on the description in the banner heading above.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area, including trees;
 - The living conditions of future occupiers of the dwelling with regard to daylight and outlook; and
 - The living conditions of the occupiers of No 5 Grange Road (No 5) with regards to privacy in the rear garden area.

Reasons

Character and appearance

4. On the stretch of Grange Road where the appeal site is located, detached houses are set back from the road in spacious grounds, containing small trees and hedges. In closer proximity to the site, larger trees are visible, creating a verdant setting.
5. The site is located within the grounds of No 5, which is a large, irregularly shaped plot. The side elevation of the host property faces Grange Road, with the driveway running parallel to the boundary with No 5A. This shared access would be used by the proposed new dwelling.

6. The proposal would infill a corner of the rear garden of No 5, adjacent to a side elevation of the host dwelling. Although No 5 may be the largest plot in this stretch of Grange Road, the proposal would appear cramped. Three of the elevations would be either close to No 5 or the boundaries of the site. Whilst the appellant refers to the two dwellings being 'strongly linked together', this would create an awkward relationship with the existing house, resulting in overdevelopment of this part of the site.
7. The proposal would be an unusual design, mirroring the existing east projection, with both entrances facing in the same direction. Although it seeks to appear as an extension of the host property, it is a separate dwelling with a different design. Moreover, whilst there are a variety of housing styles and plot layouts in the wider area around the site, the siting of detached houses so close together would not be reflective of other housing in the area. Therefore, in my opinion, the scale and layout of the proposal, and the subdivision of the plot in this way, would appear incongruous in this location.
8. The rear boundary of the existing house is fringed by trees, some of which are inside the site, and others on adjoining land. The tree report has identified that the garden of No 5 contains several trees and groups of mixed species. Within this, one tree, an ash, categorised as a B tree, and a number of C trees, Group G3, on the boundary, would be removed.
9. The Council's tree officer has objected to the proposal, not only for the removal of the B tree, which the appellant has said they would be willing to retain, but also because the numbers and species of replacement trees on the site are not appropriate. Furthermore, they consider that the development would likely lead to the removal of branches and trees in the future to increase light and reduce shade.
10. The trees within and surrounding the site contribute to the visual amenity of the area, as they are visible from public vantage points. Whilst the majority of the existing trees would be retained on the site, St Helens Local Plan Policy LPC10 requires that where any tree is lost, its replacement would need to be on a 2 for 1 ratio. However, the site is very constrained and there is little room for planting that would not cause further shading. Furthermore, the siting of the house in an already shady corner, even if some of the adjoining trees were removed, would likely lead to further works to prune and fell. This would harm the visual amenity of this area where trees are important to the overall character.
11. In conclusion, the proposal would harm the character and appearance of the area, including effecting the trees that contribute to this character.
12. The proposal would therefore not accord with Policies LPD01 and LPD02 of St Helens Borough Local Plan up to 2037 (LP), July 2022, which requires the design and layout of new housing to maintain or enhance the character and appearance of the local environment.

Daylight and outlook

13. The two-storey dwelling would be constructed below ground floor level, parallel and close to the side elevation of the host dwelling. Whilst there would be limited openings on the front elevation of the proposal, bedroom 3, on the ground floor, would have only one window, a short distance from the house at

No 5. In this location, the room would have limited daylight and outlook. Whilst bedroom 2 would have a wider outlook, this would be limited because of its position close to the boundary fence and the corner of the site. In the absence of any evidence to suggest otherwise, daylight for this bedroom would also be limited.

14. The first floor, using a combination of rooflights and significant areas of glazing would have appropriate levels of daylight. The living area, because of the design and position of glazing, would also have a suitable outlook. The office, which would have windows facing the boundary fence, as well as the rear garden of the host property, would have a limited, but adequate outlook.
15. The proposal has been designed to a brief provided by the clients, however, whilst there may be examples of houses where bedrooms are lit only by rooflights, no substantive evidence has been provided for me to consider whether these cases are comparable. Overall, as a result of the lack of daylight and outlook to some of the rooms, the proposal would harm the living conditions of the future occupiers of the dwelling to an unacceptable degree.
16. It would therefore not accord with LP Policies LPD01 and LPD02, which amongst other things, seeks to ensure that the occupiers of new developments will enjoy a high standard of amenity and a satisfactory level of outlook and natural lighting.

Living conditions of No 5

17. The side elevation of No 5, which would face the proposal, is set back behind the attached garage. This elevation has windows on the ground and 1st floor and adjoins a rear garden area where wood is stored, a washing line is located, and at the time of my site visit, a paved area was under construction.
18. Whilst the appellant considers that the 'back garden' is located to the south of the host property, where it adjoins Grange Road, the rear garden area, despite what it is used for, would be overlooked. This is because the proposed house has a 1st floor office window which would look directly into this space. Whilst the appellant has suggested re-siting this window or replacing it with a rooflight, I must determine the appeal based on the plans before me.
19. Furthermore, although there is currently a family connection between the host dwelling and the proposed house, this may not continue. I am mindful that the harm identified would be permanent and is not outweighed by the appellants' particular circumstances. Housing needs to have a high standard of amenity for both existing and future users. Therefore, the lack of privacy in the rear garden area of No 5, that would result from the proposal, would harm the living conditions of the occupiers of this property.
20. The proposal would therefore not accord with LP Policies LPD01 and LPD02, which amongst other things, are required to provide a satisfactory level of privacy and a high standard of amenity for future residents and for occupiers of neighbouring properties.

Other Matters

21. Whilst the appellant has referred to other backland development on Mere Lane in Newton-le-Willows and other sites in St Helens, no details of these proposals have been provided. I therefore give these no weight in my decision.

22. The garden area that would be provided for the new dwelling is adequate and so is a neutral matter in my decision.

Conclusion

23. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.

24. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR