



Appeal Decision

Site visit made on 19 September 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2023

Appeal Ref: APP/Z4310/W/23/3318784

2 Rowen Court, Liverpool L17 0EJ

- 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 Pete McCobery against the decision of Liverpool City Council.
 - The application Ref 21F/3438, dated 16 November 2021, was refused by notice dated 6 March 2023.
 - The development proposed is change of use of coach house from use in conjunction with main dwelling, to stand alone dwelling. New access to 2 Rowen Court off Woodlands Road. Landscaping works to accommodate the above.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, with particular regard to private amenity space and boundary treatment;
 - whether the proposed development would make suitable provision for trees;
 - the effect of the proposed development on pedestrian safety;
 - whether the proposed development would create an accessible dwelling with regard to the relevant policies of the development plan; and,
 - the effect of the proposed development on the living conditions of the occupiers of the existing and proposed dwellings, with particular regard to overlooking.

Reasons

Character and appearance

4. The appeal site relates to a detached dwelling, 2 Rowen Court (No.2) located at the head of a cul-de-sac of similar properties. The front of the property faces Rowen Court and the rear garden boundary faces Woodlands Road. The driveway of No.2 leads past the gable elevation of 3 Rowen Court to a cobbled

courtyard which includes a part single and part two storey detached brick outbuilding.

5. The existing outbuilding is currently used as ancillary accommodation in relation to No.2 and incorporates a double garage, two bedrooms with en-suite bathrooms, a living area and kitchen. The evidence suggest that the outbuilding was a former coach house, although it appears to have been extended. The rear and side elevations of the outbuilding adjoin the boundary with surrounding residential properties and the front elevation faces towards No.2 and the shared courtyard. Due to its position surrounded by other buildings, the outbuilding is relatively secluded and not readily visible from public view.
6. The surrounding area is residential in character and includes a mix of housing types, ages and designs. However, there are distinct phases of residential development in the area. The southern part of Woodlands Road and streets leading off it generally comprise of traditional bay fronted terraced properties with no, or short, front gardens set behind low brick walls and small areas of private rear outdoor space resulting in a dense form of development. Residential properties on Rowen Court and the area to the north on Elmar Road and to the east of the appeal site on Woodlands Road are mostly detached and semi-detached buildings with longer front gardens, driveways and larger rear areas of private amenity space, giving a more spacious feel to the area. The appeal site sits at the juxtaposition of the two areas and the front of the property is seen in a different context to the rear.
7. Amenity space for the proposed new dwelling would be private and, although it would be located to the front of the dwelling and combined as a parking area, it would be commensurate in size with the gardens of surrounding properties and proportionate to the size of the building proposed for conversion. Therefore, I do not find that the proposed dwelling or its plot would be cramped or out-of-keeping with the surrounding area.
8. However, the resulting plot for the host dwelling, No.2, would be significantly reduced in size. There would be a limited amount of amenity space which would comprise of small strips of land between the dwelling and side boundaries and an area to the rear of the dwelling which fronts Woodlands Road. The proposed parking bays within this area would considerably reduce the amount of useable amenity space. Moreover, the submitted plans indicate that it would not be private. This would be inconsistent with the predominant character of the detached and semi-detached properties in the area. While there are front gardens and driveways to the semi-detached properties on Woodlands Road, these properties also have rear private amenity space which No.2 would not.
9. Although the building to plot ratio would not be dissimilar to others in the surrounding area, the lack of private amenity space combined with the introduction of a dividing fence between the proposed dwelling and No.2 would result in the development appearing cramped and uncomfortable and would fail to respect the context of the existing character of its own plot.
10. The properties on Rowen Court are open plan at the front. Despite this, the proposed fence at the front of No.2 would be low and due to the position of No.2 in the corner of the cul-de-sac, I consider the fence would not be overly

prominent and would therefore not harm the character and appearance of the street or area.

11. Notwithstanding my finding that the proposed fence would be acceptable, for the reasons given above, I consider the sub-division of the plot as proposed would adversely affect the character and appearance of the surrounding area. It would conflict with Policies H7, H13 and UD1 of the Liverpool Local Plan 2022 (LLP) which all seek, amongst other things, that development has regard to the character of the surrounding area and the capacity of a site having regard to privacy, amenity and the provision of private amenity space.

Trees

12. The Council's Supplementary Planning Guidance Note 10: New Residential Development (SPG) states that garden areas should be adequately landscaped and development should include new trees within the site at a ratio of at least two trees per dwelling. Policy GI8 of the LP requires a similar approach, although it states that at least one tree per dwelling would be required. However, the policy also advises that if it can be demonstrated that on-site provision cannot be appropriately achieved or off-site provision is more appropriate, the Council will require a commuted sum based on the costs of providing and establishing new trees in the locality.
13. The Council confirm that, in accordance with their Advice note – Section 106 Planning Obligations, March 2022, off-site provision would be more appropriate in this case and would require a legal agreement to deliver a commuted sum for one tree.
14. No detailed landscaping plan has been submitted by the appellant. Even though the block plan indicates one new silver birch tree would be planted within the plot for the proposed dwelling, no indication of how many, if any, existing trees on the site would be removed has been provided. In the absence of a legal agreement or detailed landscape plan, I cannot be certain that the proposed development would be satisfactorily landscaped or mitigated. I have carefully considered whether a condition would be appropriate in this matter. However, this would not address the requirement for an off-site commuted sum should the plot size of the proposed dwelling be inappropriate for on-site tree planting.
15. For the above reasons, the proposal would not make suitable provision for trees. It would conflict with Policy GI8 of the LLP which seeks that new development make provision for the planting and successful growth of new trees and landscaping.

Pedestrian safety

16. It is proposed to create two off-street parking spaces to serve No.2 by widening an existing pedestrian gateway on to Woodlands Road to facilitate a vehicular access and dropped kerb. The orientation of Nos.1 and 2 Rowen Court are unusual in that their rear private amenity space and rear elevations face Woodlands Road, bound by a sandstone wall, whereas all other residential properties along Woodlands Road front the street. Although most of these properties are terraced with no frontage driveways, there are several semi-detached properties between the appeal site and North Sudley Road that do have driveways off Woodlands Road. Furthermore, a gated driveway at the

adjacent property No. 57 Woodlands Road (No.57) would lie adjacent to the proposal.

17. The Council's concern relates to intervisibility between motorists and pedestrians when vehicles would be exiting the proposed driveway to Woodlands Road. However, from the information submitted, the consultation response from the Highway Authority dated 24 January 2022 suggests they did not object to the proposal. Nevertheless, the Council's reason for refusal refers to conflict with Policies TP6 and TP8 of the LLP, which together, amongst other things, require new development to make provision for parking having regard to road safety considerations and to ensure a safe and accessible environment for pedestrians.
18. Accordingly, I have assessed the effect of the proposal on pedestrian safety. The proposed development would require the removal of a section of sandstone wall fronting Woodlands Road. A substantial pillar and part of the sandstone wall would be retained between No.57 and the proposed driveway. This would impede to some extent the visibility between pedestrians on the pavement and vehicles exiting the proposed driveway. It would also preclude visibility for pedestrians to be able to see an emerging vehicle.
19. Even if the wall were reduced in height, the pillar appears to belong to No.57. Although I note that there are other driveways directly off Woodlands Road in the vicinity of the appeal site, and I consider it unlikely for vehicles to be exiting the driveway at speed, there is no information before me to be certain that pedestrians would not be at risk of being in an accident due to the lack of visibility caused by the pier at No.57, the boundary wall either side of the widened access and the lack of space within which a driver or pedestrian could react to a reversing vehicle from the driveway.
20. I recognise that Woodlands Road was not busy at the time of my site visit, albeit a snapshot in time. Regardless, it does provide a link between shops and bus routes on Aigburth Road and Elmswood Road and would be regularly used by pedestrians.
21. The appellant has indicated that they would accept on street parking to overcome the concerns relating to pedestrian safety. Be that as it may, no alternative schemes have been provided, and I am therefore not satisfied that alternative schemes are likely to be implemented, nor that they would be less harmful than the proposal before me.
22. As such, I conclude that it has not been demonstrated that the proposal would provide a safe environment for pedestrians when using the pavement along Woodlands Road. Therefore, the proposed development would conflict with Policies TP 6 and TP8 of the LLP which seek the aims I have set out above.

Accessible dwelling

23. The existing outbuilding is currently used as ancillary accommodation, it is therefore not a separate dwelling. It is appropriate to consider relevant policies and other material considerations when assessing whether or not a building is suitable for permanent conversion to a dwelling. Policy H12 of the LLP requires that new dwellings should comply with Building Regulations Part M4(2): Accessible and adaptable dwellings as a minimum standard. This requirement is met when a new dwelling provides reasonable provision for most people to

access the dwelling and includes features that make it suitable for a range of potential occupants, including older people, individuals with reduced mobility and some wheelchair users.

24. No details have been presented to me to demonstrate how the building could be altered to meet the requirements of Policy H12. Therefore, I cannot be certain that the proposal would meet Building Regulation requirements for Part M4(2) or have a step free access which may affect the scheme design. The suggestion by the appellant that the requirement could be secured by a pre-commencement condition therefore fails to address the issue.
25. Consequently, the proposal would not meet the requirements of Policy H12 of the LLP, which is clear that development proposals, amongst other things, should provide quality living environments for residents now and in the future and contribute to delivering sustainable communities.

Living conditions

26. There is a ground floor patio door and window on the gable elevation of No.2 that would face towards large ground floor bedroom and living room windows on the front elevation of the proposed dwelling. Whilst this relationship may be acceptable for ancillary accommodation, as occupants of the host and ancillary buildings would generally be related, the proposed development would be likely to be occupied by separate, unrelated residents.
27. The submitted plans indicate that a fence would be erected between No.2 and the proposed dwelling which would prevent overlooking between the two properties at ground floor level, irrespective of whether or not the patio door/window is secondary.
28. Similarly, due to the close position and height of the proposed fence in relation to the patio door/window at No.2 and the indirect angle of the first floor bedroom window on the proposed dwelling, there would be no significant overlooking between the two properties from these windows. Windows on the first floor gable elevation of the proposed dwelling face towards the rear of properties on Woodlands Road and have no direct view towards No.2.
29. For the above reasons, the proposal would not harm the living conditions of the occupiers of the existing and proposed dwellings, with particular regard to overlooking. I therefore find no conflict with Policy H13 of the LLP in this regard which seeks, amongst other things, appropriate separation between dwellings to ensure privacy is maintained.

Other Matters

30. The site would be located in an accessible location and the National Planning Policy Framework provides clear support for new housing, including on small and windfall sites. The Council confirm they have no shortfall in housing land supply. Given the scale of the scheme the housing and economic contribution would be small and would not outweigh the harm that I have identified above.
31. There is concern that the proposed development would be located upon land adjacent to No. 57 Woodlands Road. This land is enclosed by a wall with gates leading onto Woodlands Road and is separate from the appeal site. In any event, matters related to the ownership of the land would be separate to and

would not ultimately influence the assessment of the planning merits of the proposal.

32. There is support for the proposal from a neighbouring resident. Nevertheless, a lack of objections is not a reason in itself to allow development that is unacceptable.

Conclusion

33. Whilst the development would be acceptable in terms of its effect on the living conditions of existing and future occupiers with regards to overlooking, I have identified that the proposal would cause harm to the character and appearance of the area, would not provide an accessible dwelling or make suitable provision for trees and would be to the detriment of pedestrian safety.
34. The proposed development would therefore conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
35. The appeal is therefore dismissed.

A Veevers

INSPECTOR