



Appeal Decision

Site visit made on 2 January 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/H4315/W/23/3324981

Land to the Rear of 226 Knowsley Road, St. Helens WA10 4QA

- 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 C Zammit against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2023/0090/FUL, dated 13 February 2023, was refused by notice dated 12 April 2023.
 - The development proposed is demolition of existing garage and erection of a one bedroom detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application gave the address as 226 Knowsley Road. However, on the advice of the Council for clarification the appellant agreed to amend this to 'land to the rear of 226 Knowsley Road'. I have therefore used this address in the banner heading.
3. On the 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework) later updated on 20 December 2023, together with a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS. Having considered the parties' respective cases and the nature of the revisions, in light of the principles of natural justice, in this instance I have not considered it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

4. The main issues are the effect on the proposed development on:
 - a) the character and appearance of the area; and
 - b) the living conditions of occupiers of 226A Knowsley Road (No 226A) with regard to outlook, and to the occupiers of 226A and 226B Knowsley Road (No 226B) with regard to outdoor amenity space; and
 - c) the living conditions of future occupiers, with particular regard to internal accommodation and privacy.

Reasons

Character and appearance

5. The proposed dwelling would be situated in the rear garden of 226 Knowsley Road (No 226), a semi-detached property. The front of the building, at ground floor level is currently in use as a commercial dog grooming business. The rear of the ground floor (No 226A) and the first floor (No 226B) have been converted to two separate residential flats.
6. Number 226 is on a corner plot. The appeal site would be viewed and accessed from Alder Hey Road, which is a residential street comprised largely of traditional two-storey semi-detached dwellings which are of a similar size and design. The nearby properties on Alder Hey Road are generally rendered at the front, with hipped roofs and chimneys. The properties on Alder Hey Road which are located on the corners with intersecting roads have a differing roof pitch and design, but are also rendered, two-storey and semi-detached. The surrounding properties generally have a low brick wall, fencing or hedging along their front boundaries, with small front gardens.
7. The street has a pleasant, traditional suburban feel, and the general uniformity of the dwellings gives a harmonious impression of cohesiveness which adds positively to the character and appearance of the area.
8. I acknowledge that developments of a different style are not always harmful, and indeed innovative designs can add character and interest to an area. However, the Council's Supplementary Planning Document - New Residential Development (2011) (SPD) which provides guidance on backland development, highlights that design should be informed by the immediately surrounding buildings, and the scale and massing of new dwellings should reflect and respond to those around them. Consideration should be given to the height of a building as well as its massing. The height of the proposed dwelling, being single storey, along with the proposed flat roof, would give an appearance of notably different proportions not representative of the surrounding properties, and the proposed dwelling would look conspicuous and incongruous in the street scene.
9. The majority of properties along Alder Hey Road have an area for parking to their side, which provides a degree of space and separation. This prevailing pattern of separation between the pairs of semi-detached properties adds to the balanced form and regular rhythm of development.
10. In contrast, the proposed dwelling would have less space between the site boundaries than is typical for the locality, and would be situated right up to the boundaries of 224 Knowsley Road and 2 Alder Hey Road. This lack of space around the proposed dwelling would leave no room for a rear garden and would make the proposed development appear cramped and over-developed, and would interrupt and unbalance the pattern of the street scene.
11. The SPD highlights that car parking should be integrated into the overall layout and design of new housing development making sure that the fronts of properties are not dominated by cars. The proposed layout allows for two parking spaces. Although these would be facing the side elevation of the proposed bungalow, due to its orientation the car parking spaces would front

Alder Hey Road. This differs from most of the surrounding dwellings where parking is provided to the side of the property, with gardens to the front.

12. A number of surrounding properties have converted their front garden to hard standing to allow for parking. Despite this, due to the layout of their plots many have kept an element of soft landscaping in front of the dwelling. This, along with the soft landscaping of the surrounding plots that have fully retained front gardens ensures that in general, hard landscaping does not dominate the street scene. By contrast, the design and layout of the proposed scheme does not allow for soft landscaping directly in front of the elevation facing on to Alder Hey Road which would be unsympathetic to the local character.
13. I recognise that in its current condition the unkempt appeal site and garage detract somewhat from the visual appearance of the area. The appellant has raised concerns that there is a risk that if the proposal is not allowed, that the site will deteriorate further and that this could lead to anti-social behaviour. However, it has not been demonstrated that the proposal is the only means of improving the site, and so I give limited weight to this matter.
14. The appellant has highlighted buildings in the nearby vicinity which are of a similar size and scale to the proposed development, and which I viewed on my site visit. However, I note that these were outbuildings and a substation and do not have the same impact on the street scene when compared to the proposed dwelling. The substation along Ellison Drive does not have open access on to the street, and the outbuildings at 170 Knowsley Road are screened from the road. The building to the rear of 228 Knowsley Road is an ancillary building which relates well to the host property, rather than appearing as a separate unit.
15. The proposed dwelling would be a rather plain, simple design. The appellant has argued that the proposed building was designed to be similar in appearance to that which would ordinarily be introduced within a garden, and the use of decorative brickwork detailing to add visual interest could be ensured with suitable conditions. However, I have determined the appeal on the plans in front of me. I consider that regardless of the materials and even with enhanced detailing the proposal, being flat roofed, single storey and with little space around its boundaries, is not well designed in relation to its surroundings.
16. I disagree with the appellant that due to the specific gap between the buildings at the appeal site, that the risk of the proposed development establishing a precedent is extremely limited. There are plots in the nearby area which could be developed in a similar manner, including No 228 Knowsley Road and No 170 Knowsley Road, for example, to which my attention was drawn regarding comparably sized outbuildings. In my view, the cumulative effect of similar developments would exacerbate the harm that I have identified above.
17. I conclude that the proposal would harm the character and appearance of the area. The proposal would conflict with Policies LPD01 and LPD02 of the St Helens Borough Local Plan up to 2037 (2022) (LP) which seek to ensure that developments maintain or enhance the character and appearance of the local environment, and are of a high quality design that enhances the character of the surrounding area in terms of appearance, materials, scale, mass and patterns of structures, spaces and streets. It would also not be in accordance with guidance within the SPD which states that proposed development on

backland sites should have regard to the character of the surrounding area in terms of layout, scale and form of housing. It would also conflict with the Framework which states that development should be sympathetic to local character.

Living conditions of occupants of 226A and 226B

18. In order to separate No 226A from the proposed dwelling, a fence has been erected approximately 4.7m from No 226A's habitable room windows. However, neither the Local Plan nor the SPD recommend specific minimum separation distances from ground floor windows. Whilst the fence would provide a fairly limited outlook and a sense of enclosure, I consider that the distance between the fence and the windows is not so close as to be oppressive, and would not in itself be sufficient to warrant the proposal unacceptable.
19. The SPD provides guidance on standards of outdoor amenity space, and recommends that gardens for flats should normally provide at least 20m² for each flat. If the site was subdivided as proposed, the amenity space available to the two residential flats would fall below the recommended amount.
20. The appellant has indicated that the occupiers of the flats do not presently use the outdoor space that would be lost if the proposed development was approved. However, whilst there is currently an ownership connection between 226 Knowsley Road and the proposed dwelling, this may not continue. I am mindful that any harm identified would be permanent. Housing needs to have a high standard of amenity for both existing and future users. The lack of outdoor amenity space that would result from the proposal would harm the living conditions of the occupiers of No 226A and No 226B.
21. I conclude that the proposed development would have an acceptable impact on the living conditions of occupiers of No 226A in terms of outlook, and would therefore comply with Policy LPD02 of the LP which requires new residential developments to provide a satisfactory level of outlook for occupiers of neighbouring properties. However, the lack of appropriate outdoor amenity space would harm the living conditions of the occupiers of No 226A and No 226B. This would not accord with Policies LPD01 and LPD02 of the LP which seek to ensure that developments do not cause unacceptable harm to the amenities of surrounding residential occupiers. It would also conflict with the Framework which seeks to ensure that developments provide a high standard of amenity for future and existing users.

Living conditions of future occupiers

22. The proposed development would not meet the Department for Communities and Local Government Technical Housing Standards in terms of bedroom size and internal floor to ceiling height. However, the standards are not specifically referenced in the LP. The bedroom would fall short of the recommended 7.5m² and would instead be 7.28m². Nevertheless, adjusting the internal layout slightly as suggested by the appellant would resolve this issue and could be addressed through a planning condition. The floor to ceiling height is just 15cm short of the recommended figure. I do not consider that this would cause unacceptable harm to the living conditions of future occupiers.

23. Due to its proximity to the existing flats, the proposed bungalow would be capable of being overlooked from the windows of the first floor flat, No 226B. This would be an issue for the privacy of the future occupiers of the proposed dwelling if the windows were for habitable rooms.
24. The two windows of the flat which would overlook the proposed dwelling are those of a kitchen and a bathroom. The bathroom is a non habitable room, but there is some dispute as to whether the kitchen should be classed as a habitable room. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) definition of habitable rooms includes rooms not solely used for cooking purposes. The appellant has confirmed that the kitchen has a dining area, but I agree that the room's layout, with the dining area inset away from the window, would indicate that the window serves the main kitchen area rather than a dining area, and as such would not lead to an unacceptable level of overlooking.
25. I conclude that the proposed development would have an acceptable effect on the living conditions of future occupiers with regard to internal accommodation and privacy. Accordingly the proposal would comply with Policies LDP01 and LDP02 which seek to ensure that occupiers of new developments will enjoy a high standard of living and provide a satisfactory level of privacy for future residents. It would also comply with guidance in the SPD which seeks to prevent an unacceptable amount of overlooking and the Framework, which seeks to ensure that developments provide a high standard of amenity for future and existing users.

Other Matters

26. I acknowledge that the principle of residential development is acceptable, and that the development would be in a sustainable location and provide a much needed smaller dwelling. However, this does not outweigh or alter my overall conclusion on the main issues.
27. There have been no objections from neighbours and statutory bodies, and the Council had no concerns regarding parking, highways safety, trees, ecology, contaminated land and drainage. However, lack of harm means that these are neutral matters that do not affect the planning balance.

Conclusion

28. I conclude that the proposal would harm the character and appearance of the surrounding area and would not provide adequate living conditions for the occupiers of No 226A and No 226B. These harms are the overriding considerations in this case. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, including the Framework, which would indicate a decision other than in accordance with the development plan.
29. For the reasons given above the appeal is dismissed.

L C Hughes

INSPECTOR