



Appeal Decision

Site visit made on 15 February 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH March 2024

Appeal Ref: APP/M4320/W/23/3326362

Land To The Rear Of 10 Queens Road, Southport, PR9 9HN

- 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 Simon Levene against the decision of Sefton Metropolitan Borough council.
 - The application Ref DC/2022/01349, dated 30 June 2022, was refused by notice dated 23 January 2023.
 - The development proposed is the construction of three dwellings, and the upgrading of two coach houses on land to the rear of 10 Queens Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has made reference to a Supplementary Planning Document on New Housing. This has apparently been revoked. There is also reference to a more recent Supplementary Planning Document on New Build Homes, and I have referred to this document in my consideration.
3. The submitted 'Existing and Proposed Site Plan' shows the outline of a car port for three vehicles near the entrance to the site. There would not appear to be any plans to show the elevations of this building.

Main Issues

4. The main issues in this case are the effects of the proposed development on:
 - The safety and security of the current and future occupiers of the development by way of surveillance, access and movement, and
 - The living conditions and residential amenities of the occupiers of the proposed new dwellings by way of amenity space, outlook and privacy.

Reasons

5. The appeal site includes an unused parcel of land to the rear of Nos 1-7 Hawkshead Street, with access from a pathway to the side of No 10b Queen Street. The appeal site also includes the existing dwellings at Nos 10a and 10b Queen Street, and the existing access and parking areas associated with those houses. Vehicular and pedestrian access is obtained from Hawkshead Street.

The proposal is for the construction of 3 dwellings on the portion of unused land, minor alterations to Nos 10a and 10b, and the demolition of a number of small buildings currently around those houses.

6. Policy EQ2 of the Council's Local Plan (LP) indicates that development will only be permitted where the proposal responds positively to the character, local distinctiveness and form of its surroundings. In addition it should ensure safe and easy movement into, out of, and within the site for everyone; protect the amenity of those within and adjacent to the site; and ensure the safety and security of those within through natural surveillance. Policy EQ3 indicates that new development should ensure that the needs of all residents and users of buildings, including those with limited mobility, are met.
7. The Council's Supplementary Planning Document on New Build Homes (SPD) indicates that, amongst other things, new dwellings should avoid overshadowing, being over-dominant, and causing a poor outlook for neighbouring properties; provide a 12 metre interface distance between a ground-floor habitable room window and a two-storey blank wall (or a two-storey wall that only includes non-habitable room windows); provide a minimum of 50 sq metres of amenity space per unit, generally in the form of a private garden at the rear of the property. It also indicates that backland development may be acceptable but, if so, should respect the living conditions of future residents in the new properties.
8. The Council contends that the proposal would fail to ensure the needs of all residents and users of the dwellings, including those with limited mobility, are met; would not provide safe and easy movement into, out of and within the site for everyone; and would fail to provide safety and security for those within and outside of the development through natural surveillance. In addition, the proposal would fail to provide an adequate level of private amenity space for future occupiers.
9. The appellants contend that security measures would be put in place, including video cameras, to ensure safe access; that a minimum of 50 sq metres of amenity space would be provided for each unit; and that the proposal would not result in any of the harm to residential amenities raised by neighbouring objectors.

Safety and security by way of surveillance, access and movement

10. The development would involve the upgrading and use of an existing passageway to the side of No 10b to provide access to the three new dwellings proposed on the unused part of the site. Beyond the passageway, there would be a path running along the side of the three dwellings providing access to each property. The passageway would have a security door within a new front entrance and the appellants indicate that further security would be provided by video cameras and lighting of the passageway and access path.
11. The Council contends that the security matters could not be enforced by way of condition or by the developers. The appellant has noted the existence of an appeal decision from 2014 that relates to conversion of a four-storey House in Multiple Occupation (HMO) into two separate HMOs. In her decision letter, the inspector indicated that measures, including video entry, could be secured by condition. However, in that case, it would appear that the developer would have retained control over the property, whereas in this case, it would appear

that the developer may not retain control of the dwellings and I have concerns that such a condition may not, therefore, be enforceable.

12. The passageway to the side of No 10b would be long, narrow and covered. It would also provide access to the rear of No 10b, and would therefore be used in conjunction with 4 dwellings. Despite the existence of lighting, I do not consider that it would be an attractive entry point to the houses, although a locked entrance would provide some degree of safety to the occupants. The path alongside the new houses would be around 2 metres wide and would also be lit. By virtue of the amount of built structure associated with the houses within a constrained space, there would be some parts of the pathway that would not be overlooked by habitable room windows. However, given that there would be only three houses and most of the path would be visible, I do not consider that surveillance of this path would necessarily be inadequate.
13. I have significant concerns regarding the proposed parking provision for cars and cycles. The proposal would involve the demolition of three outbuildings in order to create car parking spaces, cycle parking provision, and a footpath from the road access to the entrance passageway. There would be two car parking spaces, provided in tandem formation, for each of Nos 10a and 10b to the northern side of the houses. There would also be three further spaces provided for occupants of the new houses in a car port on the site of an existing garage/outbuilding. Finally, there would be 8 cycle parking racks sited in the rear portion of the car port behind the car parking spaces.
14. From the submitted 'Existing and Proposed Site Plan', which shows selected large vehicle tracking movements, it would appear that it would not be possible for certain cars to manoeuvre into or out of car parking bays within the spaces available. In addition, the cycle parking spaces would not be readily accessible if cars were to be parked in the bays in front of them.
15. The appellant has subsequently provided further diagrams showing entry and egress swept path analyses for each car parking space. I note that certain manoeuvres would seemingly require a car to barely miss, or effectively touch, hard surfaces or other parked cars in order to get into or out of a space (eg those from 10a and 10b). Moreover, from the positions of the cars shown, it would appear that in certain spaces (eg P1 and P3) they would need to change position within the parking space between entry and egress, in one case potentially using space taken up by an electric charging point. Such complex manoeuvring would highly likely lead to the rear parking spaces at 10a and 10b being unsuitable or unattractive, while even the relatively more usable spaces would experience significant difficulties. Finally, I note that the large car dimensions used for the analysis would still be narrower than many modern SUV vehicles, which would therefore render allocated spaces unusable.
16. The overall impression gained from the plans and diagrams submitted with the planning application and with the appeal statement, is that the parking area is too constricted and cramped to allow for convenient and safe manoeuvring. Even if cars were to attempt to use allocated spaces, many of the turning movements would be in very close proximity to the fronts of the houses, especially No 10b, raising potential noise and disturbance issues. In addition, although there would be a separate footpath to the side of the vehicle access and parking areas, pedestrian movements could still be compromised by the likelihood of vehicles transgressing onto the footpath in error, and also by

vehicular movements outside of, and in close proximity to, the entrances to Nos 10a and 10b.

17. In conclusion on this issue, I find that the proposal would have a harmful impact with regard to the safety and security of the current and future occupiers of the development by way of access and movement, although any negative impacts relating to surveillance issues would be, at most, minor. In consequence, the proposal would conflict with policy EQ2 of the LP.

Living conditions and residential amenity

18. Each of the three new dwellings proposed would be constructed in a U-shape, with a two-storey element at the northern end of the plot, a single-storey element at the southern end, and a linking single-storey corridor along the western side. They would effectively be link-detached houses. Plots 2 and 3 would have an amenity space of around 50 sq metres, while Plot 1 would have an amenity space of around 56 sq metres. The overall site for the three houses would have the nature of backland, being located between existing residential properties immediately to both the north-east and south-west.
19. Whilst each house would have at least the minimum amount of amenity space required by the SPD, I have concerns regarding the quality of that space. Each amenity area would face north-east and would have two-storey buildings at either end. The distance between the ground-floor habitable room windows in the two-storey elements of the houses on Plots 2 and 3 and the rear of the two-storey element of the house immediately to the south, would be significantly less than the 12 metre interface requirement. On this basis, with the exception of Plot 1, there would be two-storey buildings to the south-east of each property and in close proximity, which would result in an oppressive outlook and potentially a degree of overshadowing.
20. In addition, the two-storey element of the house on Plot 3 would appear to encroach to a small degree across the rear elevation of No 10b such that it would likely result in a degree of overshadowing to that neighbouring property, and adversely affect the outlook from the rear of the house and its garden.
21. I note that the distance between the first-floor habitable room windows in the proposed houses would also fail to meet the requirement in the SPD for a 10.5 metre interface with the rear gardens of neighbouring gardens. However, in this case, it would not affect those parts of the gardens close to the rear elevations of the neighbouring dwellings and would not, in my opinion, result in any significant harm to privacy.
22. The submitted plans show the boundary of the plots adjacent to the access pathway as comprising horizontal panels with gaps. This would slightly reduce the oppressive outlook from the amenity space that would otherwise result from a solid fourth side to the Plot. However, it also reduces privacy, albeit by only a small amount given the few likely passers-by. Nevertheless, the SPD indicates that the 50 sq metres requirement relates to provision in the form of a private garden at the rear of the property, which would not be the case here.
23. The appellant has made reference to the RIBA response to the Letwin report, "Places where People want to Live." This relates primarily to a context of much larger developments, but the appellant contends that certain principles are applicable to this case. I accept this point, but I also note that one of the

principles relates to enclosed private gardens which, amongst other things, optimise solar orientation and are productive gardens for growing. By virtue of the orientation and limited size and nature of the amenity spaces I do not consider that the proposal would be likely to comply with this particular principle.

24. In conclusion on this issue, I find that the orientation of the proposed houses and the effect of the design and siting of the houses on their plots would result in inadequate private amenity space for the occupiers of Plots 2 and 3, in qualitative terms if not quantity, with concomitant adverse effects on outlook and overshadowing. These effects would also apply to the relationship between the house on Plot 3 and the neighbouring No 10b. In general terms, and for the reasons outlined above, I consider that development would be cramped on the site, resulting in harm to the living conditions and residential amenities of the occupiers of the proposed houses by way of space, outlook and privacy. Moreover, as backland development, it would not respect the living conditions of future residents. On this basis, the proposal would conflict with Policy EQ2 of the LP and with guidance in the SPD.

Conclusion

25. I find that the proposal would have a harmful impact with regard to the safety and security of the current and future occupiers of the development by way of access and movement through the site, both with regard to pedestrian and vehicular movements. In addition, I find that the development would be cramped on the site, resulting in harm to the living conditions and residential amenities of the occupiers of the proposed houses by way of space, outlook and privacy. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR