



Appeal Decision

Site visit made on 8 February 2024

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/D0650/W/23/3328747

19 Lilac Crescent, Runcorn, Halton WA7 5JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Calvert against the decision of Halton Borough Council.
 - The application Ref is 23/00166/FUL was refused by notice dated 21 June 2023.
 - The development proposed is a new dwelling on land adjacent to 19 Lilac Crescent, Runcorn, Cheshire WA7 5JX.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023 and so, policies therein are material considerations which I have taken into account in determining this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;
 - the living conditions of future occupiers of the proposed dwelling, in particular regard to outdoor garden space; and,
 - highway safety, in particular regard to visibility splays.

Reasons

Character and appearance

4. The appeal site is located within a housing estate, comprising mainly two-storey pitched roof dwellings in terraced rows or semi-detached properties. There is a strong character and rhythm to the terrace blocks, some with facing brick elevations, and others rendered or with painted brickwork.
5. Typically, on the corners of road junctions within the estate there are open grassed areas, providing a sense of spaciousness to the character of the area. The appeal site is on a corner bend in the road, rather than at a road junction, yet it has an open side garden area which makes a positive contribution to the spacious and open character of the area.

6. The proposed dwelling would be at the end of a terrace block, extending to the side of No 19, on a slightly raised part of its side garden. Despite that the dwelling would be set back from the front elevation of 21 Lilac Crescent, due to the open, corner location and slightly raised ground level where the dwelling is proposed, the development would appear prominent within the street scene. It would, furthermore, reduce the spacious feel of this part of the estate by extending onto the open garden land to the side of No 19.
7. The proposed dwelling would have hipped pitched roofs, and its main roof ridgeline would be set lower than the main ridgeline of the roof of No 19 and the other dwellings within the terrace row. However, the design and proportions of the proposed dwelling would not be in keeping with that of the other properties in the terrace. The proposed dwelling would have a narrower width to its main front element and, the front elevation windows would be of smaller proportions compared to that of windows in the dwellings within the terrace. The proposed front door would appear squeezed in up against the neighbouring property/No 19. Also, it is proposed the new dwelling would have facing brick work, whilst the existing dwellings within the terrace have painted brickwork.
8. The proposed dwelling would reduce the amount of garden space afforded to No19 and, also, the new dwelling would have a small, narrow, and awkward shaped area of private garden space at the rear. The proposed small private garden space, together with the scale and design of the proposed dwelling, would give the appearance of an overly cramped form of development.
9. Therefore, due to the proposed form, design, position, and external materials of the new dwelling, it would appear as an incongruous addition within the street scene.
10. In view of the above, the proposed development would cause harm to the character and appearance of the surrounding area, in conflict with Policies CS(R) 18 and GR1 of the Halton Delivery and Allocations Local Plan (adopted March 2022) (HDALP), which amongst other matters, require high quality development that has regard to local character. Furthermore, Policy GR1 of the HDALP sets out, amongst other things, that in determining whether design of development is appropriate, consideration is to be given to siting, layout, form, materials, and the relationship to the street scene.

Living conditions

11. The proposed dwelling would have a private small garden space, which would be below the minimum standard requirement of 50 sqm for two-bedroom dwellings, as set out in the Council's Design of Residential Development Supplementary Planning Document (May 2012) (SPD). Whilst other properties within the terrace row have small private rear gardens, none are as small as that proposed for the new dwelling. Additionally, the proposed private garden space for the new dwelling would be narrow and an unusual shape, which would limit the amount of usable space available for its future occupiers.
12. The appellant considers a condition to require the removal of the single storey extension at the rear of No 19 would increase the amount of private garden space available. However, whilst this would increase the amount of garden area for No 19, as it would be at the rear of No 19, it would not provide additional

private garden space for the proposed dwelling, to meet the minimum standard for private garden space for new dwellings, as set out in the SPD.

13. Whilst relocating the proposed rear/side garden fence of the proposed dwelling would provide a larger private garden area, this would likely further reduce the openness and spacious feel of the plot, causing harm to the character of the surrounding area. Furthermore, interested parties have not been given the opportunity to consider the impact of such changes. Therefore, it would not be reasonable or appropriate to include a condition to relocate the means of enclosure and increase the private garden area.
14. In view of the above, the proposed development would be harmful to the living conditions of future occupiers of the proposed dwelling, by virtue of inadequate outdoor garden space provision. The proposal would therefore conflict with Policy GR2 of the HDALP, which requires, amongst other matters, that all new residential development must ensure that adequate amenity space is provided and that, development should be designed to avoid detriment to the living conditions of existing or planned residential properties to ensure a high standard of amenity for existing and future users. For the same reasons, the proposal does not comply with the provisions of the Council's Design of Residential Development SPD.

Highway safety

15. The access to the proposed parking space would be located on a bend in the road, where visibility is restricted in one direction by the front boundary wall and hedge of No 19 and a fence along the front boundary of No 17 Lilac Crescent.
16. Whilst amended plans were submitted, these do not demonstrate that an adequate, 25 metre width visibility splay can be provided within the appellant's land ownership and/or within the public highway. Notwithstanding that the front wall, hedge, and vegetation in the front garden of No 19 could be removed, as they are within the appellant's ownership, the visibility splay would also cut across the corner of the front garden of 17 Lilac Crescent. No 17 has a front boundary fence of approximately 1 metre high and this land is outside of the appellant's control and not public highway land. Therefore, it would not be possible to restrict or remove any features that would obstruct the visibility splay in this location.
17. In view of the above, inadequate visibility splays would be provided for the proposed access and therefore, the proposed development would likely have an adverse effect on highway safety, in conflict with Policy C1 of the HDALP, which requires, amongst other matters, that development does not have an unacceptable impact on highway safety.

Other Matters

18. The appeal site is within a residential area, where new residential development is acceptable in principle. Policy RD5 of the HDALP sets out that in Primarily Residential Areas, residential development of an appropriate design, scale, type, location, and nature; that recognises, reinforces and/or improves the distinctiveness and character of the area; and that is in line with other relevant local plan policies and Supplementary Planning Documents (SPDs) will be supported.

19. The proposal would deliver an additional dwelling and thereby contribute to the local housing land supply as windfall development, which is supported by Policy CS(R) 3 of the HDALP. However, one dwelling would be a small contribution thereto and, I do not have any substantive evidence to show whether the Council is failing to meet its housing land supply requirements.
20. Whilst I afford weight to the delivery of new housing, in line with national government policy, the proposal would be harmful to the character and appearance of the surrounding area, and therefore would not comply with the requirements of Policy RD5 of the HDALP in this regard.
21. I acknowledge that the appellant considers that the proposal would promote the development of brownfield land and thereby, would make better use of land and protect the countryside. However, the glossary of the Framework, excludes land in built-up areas such as residential gardens from the definition of previously developed land. Therefore, I provide neutral weight to this consideration.

Conclusion

22. For the reasons given above, the proposed development would conflict with the development plan, read as a whole. There are no material considerations that carry sufficient weight to indicate a decision otherwise than in accordance with it.
23. Accordingly, I conclude the appeal should be dismissed.

C Billings
INSPECTOR