



Appeal Decision

Site visit made on 10 April 2024

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/M4320/W/23/3335615

65 Scarisbrick New Road, Southport, PR8 6LF

- 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 Javed against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2023/01092.
 - The development proposed is described as "splitting of driveway and new door".
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Council have stated that prior approval was granted in January 2022 for the change of use of the appeal property from offices to 2 dwellings. The appeal scheme proposes amendments to the existing fire escape, a new door and new first floor windows on both side elevations. The Council consider that, subject to conditions, these proposals are acceptable. From the evidence before me and what I saw on my site visit I see no reason to disagree with this conclusion.
3. In addition, the proposal includes the creation of a new driveway and vehicular access onto Curzon Road. The main issue in the appeal is the effect of this on the character and appearance of the area, having particular regard to the likely long-term effect on nearby street trees.

Reasons

4. The appeal site is located on the corner of Scarisbrick New Road and Curzon Road. The trees along both these roads are attractive features which make a positive contribution to the character and appearance of the area. In order to provide off-road parking for the dwelling that fronts onto Scarisbrick New Road, it is proposed to create a new vehicular access onto Curzon Road. This would be located between, and within close proximity to, 2 street trees. As such, the proposal would have the potential to impact on these trees and particularly their root protection areas. Any damage to these trees would have a detrimental impact on the street scene.
5. The proposal was not accompanied by an arboricultural report that assesses the potential impact of the proposed new vehicular access on the nearby trees. The appellant has suggested that the works required to create the access would be limited in nature. However, in the absence of any information establishing the root protection area for the trees and assessing the impact of the proposal on

the trees, I am not satisfied that the work required to create the new vehicular access can be done without having a detrimental impact on the adjacent trees.

6. The appellant has pointed to the fact that there are other vehicular accesses to properties on this and other nearby roads which are located very close to street trees. Whilst this may be the case, I observed that these all appeared to be well established rather than recently created drives. Given this, these accesses may well pre-date the street trees, or at least would have been created when the trees were much younger and so their root protection areas were smaller. Moreover, I observed that whilst there are a number of new houses on Curzon Road which have vehicular accesses, none of these are located near street trees.
7. Overall, I consider that, through its potential impact on the nearby street trees, the proposed vehicular access may adversely impact on the character and appearance of the area. As a result, it would conflict with Policies EQ2 and EQ9 of the Local Plan for Sefton (adopted April 2017) which, amongst other things, require that development proposals respond positively to the character and local distinctiveness of the surroundings and do not result in unacceptable loss of, or damage to, existing trees.
8. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR