



Appeal Decision

Site visit made on 25 April 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2025

Appeal Ref: APP/M4320/W/25/3358586

20 Wicks Crescent, Formby, Sefton L37 1PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Vitalij Tetervov against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2024/01024.
 - The development proposed is erection of two storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters (access, appearance, landscaping, layout, and scale) reserved for subsequent approval. I have therefore dealt with the appeal on that basis, treating the plans as illustrative only.

Main Issues

3. The main issues raised by this appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on existing trees; and
 - whether the proposed development makes adequate provision for Biodiversity Net Gain (BNG).

Reasons

Character and appearance

4. The appeal site comprises the side garden of 20 Wicks Crescent (the host property), a semi-detached dormer bungalow within a suburban residential area. The side garden has a triangular shape with a wide frontage which narrows to the rear. The surrounding area is primarily characterised by a mix of semi-detached dormer bungalows and two storey detached dwellings.
5. The street scene adjacent to the appeal site has an open and spacious appearance due to the front and side gardens of neighbouring properties and the deep grass road verges. The side garden of the host property, which has an open, landscaped and well-kept appearance, also contributes to the pleasant, spacious and open appearance of the street scene.

6. While illustrative, the proposed layout plan shows that a detached dwelling could reflect the staggered building line of existing properties within the street scene. However, due to the restricted size of the plot and its triangular shape, the illustrative layout plan shows that a proposed dwelling would need to be located close to the back of the pavement edge, with minimal space to the site frontage. It would also be built up close to each side boundary and it would appear cramped within the site.
7. Furthermore, the proposal would be highly prominent due to the position on a bend in the road. It would introduce a new building onto an otherwise undeveloped side garden, and significantly reduce the open appearance of the street scene. As a consequence, the proposal would be harmful to the spacious pattern of development in this part of Wicks Crescent. In addition, even though it is suggested that other corner plots in the area have been developed similarly, my attention has not been drawn to any examples and I am not persuaded that the density of the proposed development would be reflective of other properties nearby.
8. Appropriate facing materials and design features could be proposed to reflect the architectural language of the street but for the reasons outlined, the proposed dwelling would nonetheless sit uncomfortably within the street scene. As a result, it would be incongruous.
9. For the reasons outlined above, I conclude that the proposed development would be harmful to the character and appearance of the area. As such, it would conflict with the design aims of Policy EQ2 of the Sefton Local Plan (the LP) and Policy ESD2 a) of the Formby and Little Altcar Neighbourhood Plan, which together and amongst other things seek to achieve high quality design that responds positively to the character, local distinctiveness and form of its surroundings.

Trees

10. There are trees and vegetation within the garden of the neighbouring property, 22 Wicks Crescent. In particular, there is one visually significant tree on the site frontage which contributes to the verdant character of the area.
11. Due to the size constraints of the site, the proposed dwelling would be relatively close to the adjacent tree. The appeal is not supported by a tree survey or a plan that accurately plots the adjacent tree. Without such information, I cannot conclude with any degree of confidence that the proposal would not result in harm or loss of the visually significant tree and a condition to secure the necessary details would not be appropriate. Likewise, due to the size constraints of the site and the development proposed, I am not satisfied that suitable replacement tree planting and soft landscaping could be achieved to mitigate the tree loss.
12. Consequently, I conclude that the proposed development would be harmful to existing trees and would therefore fail to accord with Policy EQ9 of the LP, which amongst other things, seeks development that does not result in the unacceptable loss of trees or significant landscaping.

BNG

13. Schedule 7A of the Town and Country Planning Act 1990 (as amended) introduced a statutory framework for BNG, and it applies to all planning

applications for non-major development submitted on or after 2 April 2024. As such, unless exempt, the proposed development would be subject to the mandatory BNG condition, which requires developers to deliver a BNG of at least 10%.

14. The application was submitted after 2 April 2024. On that basis, and without any evidence to suggest that any other exemptions are applicable, then the proposal is subject to a requirement for 10% BNG.
15. The appeal is not accompanied by the minimum level of information stipulated in Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015. This includes information such as the pre-development biodiversity value of on-site habitat. Without this information, I have insufficient evidence that the appeal proposal, through the BNG condition, would secure the appropriate biodiversity net gain.
16. For the above reasons, I conclude that the proposed development does not make adequate provision for Biodiversity Net Gain. The proposal would therefore conflict with Policy NH1 of the LP and the aims of the National Planning Policy Framework (the Framework), which together and amongst other things seek development that enhance natural assets and secure measurable net gains for biodiversity.

Other Matters

17. The creation of an additional dwelling on underutilised land, in a sustainable location would contribute to boosting the supply of new housing, as referenced in the Framework. The development could also be delivered relatively quickly due to it representing a small site. There would also be social and economic benefits to local services during the construction phases without conflict with neighbouring land uses. The dwelling could also be built using energy-efficient materials and methods. However, these benefits would be limited by virtue of the proposal only adding one additional dwelling to the housing supply in the area.
18. No objections have been raised by interested parties and there are no concerns with regards to the effect of the proposal on neighbouring living conditions or the living conditions of future occupiers. Nonetheless, these are requirements of planning policy and taken together they are neutral matters that carry limited weight.
19. Taking the above matters into consideration, the benefits would not outweigh the identified harm that would be caused to the character and appearance of the area and existing trees. The lack of information to demonstrate 10% BNG also weighs heavily against the proposal. Consequently, I conclude that the proposed development would conflict with policies contained within the development plan as a whole. I have found no other material circumstances that would outweigh that conflict.

Conclusion

20. For the reasons given above the appeal should be dismissed.

N Bromley

INSPECTOR