



Appeal Decision

Site visit made on 16 October 2018

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2018

Appeal Ref: APP/M4320/W/18/3199373
20-30 Queens Road, Formby L37 2HL

- 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 Gavin Whiteside (Musker Developments) against the decision of Sefton Council.
 - The application Ref DC/2017/01558, dated 17 August 2017, was refused by notice dated 18 December 2017.
 - The development proposed is the erection of 12 detached properties.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 12 detached properties at 20-30 Queens Road, Formby L37 2HL in accordance with the terms of the application, Ref DC/2017/01558, dated 17 August 2017, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The address provided on the application form and the Council's decision notice is inaccurate, excluding reference to 30 Queens Road. However, the written notification of the appeal includes the correct address and requisite notice to the owner of No 30 was given in the application form. Additionally, all the plans include the grounds of No 30. Therefore, I am satisfied that no party would be disadvantaged by this change, and as such I have used the correct address of the development site above.
3. The National Planning Policy Framework (the Framework) was revised in July 2018, following the Council's refusal of the application. The Council refer to the updated Framework in its statement and the appellant was provided with the opportunity to comment. As the policy in the Framework is relevant from the day of its publication, I have taken account of it in my decision.
4. An amended landscaping plan was submitted with the appeal. It has been updated to reflect the proposed layout which the Council made their decision upon. The variation relates to the location of plot 3. As this is such a minor change and it relates only to landscaping, I am satisfied that no party would be disadvantaged by me taking it into account.
5. The description of development was changed by the Council. Whilst the appellant appears to have no objections to this change, I have no formal written agreement to the change, so I have used the original description.

Main Issues

6. The main issues are the effect of the proposal upon:
- The character and appearance of the area; and
 - The safety of pedestrians, cyclists and drivers.

Reasons

Character and appearance

7. The site comprises 6 semi-detached dwellings and their gardens on Queens Road, and an off-set parcel of land to the west side of No 30 that currently contains a row of garages and parking area. The proposal is to demolish the 6 houses and garages and erect 12 detached dwellings. The houses would be 2.5 storeys high, with the exception of Plots 09 and 10, which would be 3 storeys high. The dwellings would have 4, 5 or 6 bedrooms. It is proposed for the development to be gated, meaning the pedestrian and vehicular access points would feature security gates to restrict access to residents only.
8. The area is suburban, residential and contains a mixture of house types, from post-war semi-detached houses to late 20th century bungalows and small pockets of back land estate development. There is no prevailing or distinctive character, but the overall appearance of the area is pleasant. Commonly, dwellings are 2 storey, but I saw some examples of 3 storey development nearby on Chindit Close and Elson Road.
9. The existing dwellings are set substantially back from Queens Road, and feature long rear gardens. Having regard to the overall layout and built form of the area, this is unusual. Dwellings opposite the site and to the sides feature shorter rear and front gardens. The dwellings to the rear are flatted, and set in either 2 or 3 storey blocks around Chindit Close, with small rear gardens.
10. The proposal would introduce a central access road, with dwellings either side, essentially creating a new cul-de-sac. Eleven would front a single straight access road, and one would be located to the west, accessed from an off-shoot road to the sides of Plots 02 and 04. This would integrate well with existing street patterns, representing an efficient use of land that optimises the potential of the site; and I find the density, layout and rhythm of proposal would be appropriate.
11. The design of the dwellings would be contemporary, yet they would be sympathetic to local character, featuring predominantly pitched roofs, brick walling and a regular plot layout. They would also contain good architectural detailing, for example, feature brickwork to window surrounds, curved walls to address the corners with a first floor overhang, projecting feature brickwork to the gables, recesses to create depth and the aluminium clad dormers. They would present narrow frontages, however, surrounding dwellings had various widths and I find that the proposed widths would be acceptable.
12. The heights of the dwellings would be predominantly 2.5 storey, however, the top floor is representative of floor space in the roof and the dwellings would have a 2 storey appearance. Indeed, the plans before me indicate they would be no taller than the adjacent gable fronted bungalows at 16 and 18 Queens Road. There are examples of 3 storey developments in the area, most notably the 3 storey flatted development to the north, and thus the height of the 3

storey dwellings would not be wholly out of keeping. Furthermore, the 3 storey dwellings would be set in the middle of the row. This stepping up in heights would present an interesting and coherent design feature that would contribute to the distinctive design of the proposal.

13. The frontage to Queens Road would comprise plots 01 and 12, along with boundary walls, access gates and landscaping. Lower boundary walls are proposed at the street edge with a raised landscaping bed. Behind this would be taller boundary walls that include cut outs at the sides of plots 01 and 12 to reveal ground floor windows. This would enable the dwellings to present an active frontage to Queens Road, which ensures the safety and security of those within and outside the development through natural surveillance.
14. Whilst a gated development is not typically associated with the area, I saw numerous examples of tall pavement edge boundary treatments and tall access gates immediately opposite and adjacent the development site. In this regard, the gating of the estate and the taller boundary treatments to the front would not appear incongruous.
15. Plot 01 would create a gable front to Queens Road and would respond positively to the street, almost appearing as a frontage and not a side elevation. Plot 12, on the other hand, would present an elongated 2 storey flat roofed side elevation. It would appear moderately bulky and cumbersome from Queens Road. However, in the context of the overall scheme, and given the landscaping proposed, along with the fenestration design to this elevation, I do not find that it would cause undue harm.
16. Overall, the proposal responds positively to the character, local distinctiveness and form of its surroundings, and I find it would have an acceptable effect upon the character and appearance of the area. This would be compliant with Policy EQ2 of the Local Plan for Sefton (April 2017) (LP), which seeks to achieve high quality, good and inclusive design.

Safety of pedestrians, cyclists and drivers

17. The proposal would be accessed from a central gated access road and gated pedestrian access. The turning head is an access point to plot 03, and the parking area for Plots 02 and 04. Sufficient space is left between Queens Road and the new access point to enable a vehicle to pull clear of the highway prior to the gate opening. Within the development, the surface would be shared, however a clear road hierarchy would be set out by the use of differing ground materials and landscaping that would assist navigation through and around the development.
18. Pedestrian facilities would only provided on the western side of the access road, and pedestrians on the east side would be required to cross the road to reach the surface marked out as a pavement. However, as there would be a relatively low number of dwellings, pedestrian flows would not be significant within the estate. Additionally, cars are likely to be travelling slowly due to the gated access point and cul-de-sac design; and it would be reasonable to assume that general driver awareness would be employed when driving on the access roads. Therefore, I find the internal layout would not result in an unsafe development. Additionally, sufficient off-street parking spaces for the dwellings would be provided in the form of garages or driveways.

19. On exiting the site from the new access, the sightlines are acceptable and would provide sufficient pathways of vision to ensure drivers could see oncoming pedestrians, cyclists and vehicles. Conditions relating to sightlines would be imposed along with a requirement to ensure vehicular and pedestrian access to the development has been constructed prior to occupation of the dwellings along with vehicle parking, turning and manoeuvring space being installed. These would ensure the proposal provides acceptable highway conditions.
20. I also note the Council's Highways Authority advises that the increase in traffic generation would be readily accommodated and have little effect upon the local highway network. I agree. Therefore, I am satisfied that the proposal would ensure safe and easy movement into, out of, and within the site for everyone, including pedestrians, cyclists and those with limited mobility; and would have an acceptable effect upon the safety of pedestrians, cyclists and drivers, compliant with Policies EQ2 and EQ3 of the LP. Policy EQ3 seeks to improve accessibility in Sefton.

Other Matters

21. I have had significant regard to the comments provided by interested persons. The Council find no harm in relation to the effect of the proposal upon the living conditions of nearby residents, yet suggest conditions that would preclude the use of flat roof areas as a balcony, roof garden or similar amenity area on certain plots; along with details of a screen to plot 01's roof terrace. I agree with the suggested condition for the screen details of plot 01 to mitigate any loss of privacy to the occupants of neighbouring dwellings.
22. However, having regard to the wording of the Town and Country Planning (General Permitted Development) (England) Order 2015, development would not be permitted under Schedule 2, Part 1, Classes A or B where it would consist of or include the construction or provision of a verandah, balcony or raised platform. Therefore, the removal of permitted development rights for the insertion of windows or doors would be unnecessary as use of the flat roof areas a balcony, roof garden or similar amenity area would need planning permission.
23. I find that separation distances would be sufficient to ensure no adverse loss of privacy or light and as the proposal is residential, any increase in noise, air pollution levels or additional lighting would be negligible. The effect of glare from headlights exiting the development would also be negligible, and satellite dish signals would be a private matter between landowners.
24. Representations were made to the effect that the rights of a nearby neighbour under the Human Rights Act 1998, Articles 1 and 8 of the First Protocol, would be violated if the appeal were allowed. I do not consider this argument to be well-founded, because I have found that the proposed development would not cause unacceptable harm to the living conditions of nearby neighbours. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Articles 1 and 8 of the First Protocol.
25. The effect upon land values or subsequent property sales are not matters material to the planning merits of the appeal before me. I have little evidence to suggest that local infrastructure or amenities would be unable to cope with

the demand of 6 additional dwellings. I also have little evidence to suggest why a gated development would make neighbours feel inferior.

26. Removal of trees would be inevitable with the proposal, however, a comprehensive landscaping scheme is proposed and this would ameliorate the effect. Additionally, any obligations under the Wildlife & Countryside Act 1981 relating to red squirrel populations would be separate to that of planning, and although I have had regard to it, it does not alter the outcome of my decision.
27. Furthermore, the location of trees close to neighbouring boundaries would not be harmful to neighbouring living conditions and is unlikely to lead to a loss of daylight. Maintenance of the proposed landscaping is likely to be carried out by future occupants, and any disputes with regard to overhanging branches would be a private matter.
28. A sustainable drainage strategy which includes and details of the implementation, adoption, maintenance and management of the sustainable drainage system would be required to be submitted by condition to ensure satisfactory drainage facilities are provided to serve the site.
29. Security of the site during construction would be the developer's responsibility, and any damage caused to neighbouring properties would be a private civil matter. Despite the assertion, I see no reasons why the security of neighbouring properties following completion of the proposal would decrease. There is no evidence before me to indicate that on-street parking restrictions opposite the entrance would be put in place.

Conditions

30. In addition to those referred to in my reasons above, the drawing numbers are listed for certainty. Offsite highway works are necessary to ensure an appropriate replacement bus stop and suitable replacement pavements where the existing accesses would be removed.
31. With agreement from both parties, I have amended the suggested sustainable drainage condition as it required the provision of a legally binding agreement, which is contrary to the advice set out in the PPG. Having regard to the Council's evidence, I have required the details of the condition to be submitted prior to construction works commencing.
32. The protection of trees is necessary to prevent damage to the trees in the interests of visual amenity. Having regard to the condition suggested by Environmental Health and comments from interested parties, I have imposed a condition that would restrict construction times to lessen the effect of construction upon neighbouring properties. As requested by United Utilities, I have also imposed a condition requiring foul and surface water drainage to be on separate systems to secure proper drainage and to manage the risk of flooding and pollution.

Conclusion

33. For the reasons above, I conclude that the appeal should be allowed.

Katie McDonald

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

– 1233-103A	– 1233-114.1A
– 1233-104A	– 1233-114.2A
– 1233-105A	– 1233-115.1
– 1233-109	– 1233-115.2A
– 1233-110.1B	– 1233-116.1
– 1233-110.2B	– 1233-116.2
– 1233-111.1	– 1233-117.1
– 1233-111.2	– 1233-117.2
– 1233-112.1	– 1233-118.1
– 1233-112.2	– 1233-118.2A
– 1233-113.1A	– PPL.17.1080.r1.R1
– 1233-113.2A	– PPL.17.180.101.r1 Rev A
- 3) No construction works shall commence until a detailed scheme of offsite highway improvement works together with a programme for the completion of the works has been submitted to and approved in writing by the local planning authority. The works shall include the:
 - Relocation of the existing bus stop.
 - Closure of redundant accesses and reconstruction of the footway along the frontage of the site on Queens Road.No part of the development shall be brought into use until the highway improvement works have been constructed in accordance with the approved details.
- 4) No construction works shall commence until a timetable for the implementation of the hard and soft landscaping scheme on approved drawing PPL.17.180.101.r1 has been submitted to and agreed in writing by the local planning authority. The hard and soft landscaping works shall be implemented in accordance with the approved timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No construction works shall commence until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with the approved details.

Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) No part of the development shall be brought into use until a means of vehicular and pedestrian access to the development has been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 7) No part of the development shall be brought into use until visibility splays of 2.4 metres by 40 metres at the proposed junction with Queens Road have been provided clear of obstruction to visibility at or above a height of 0.6 metres above the carriageway level of Queens Road. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 8) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter.
- 9) Prior to the first occupation of Plot 01 details of an obscure glazed/opaque/solid 1.8 metre high screen (as measured from the internal floor level) to be installed on the west facing elevation of the roof terrace to the rear of this property shall be submitted to and approved by the local planning authority. The approved screen shall be implemented prior to first occupation of Plot 01, and retained and maintained thereafter.
- 10) Demolition or construction works shall take place only between the hours of 0800-1800 Monday to Friday and 0800-1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 11) The methods and measures set out in approved drawing PPL.17.1080.r1.R1 for the protection of retained trees shall be adhered to during construction.
- 12) Foul and surface water shall be drained on separate systems.

*****End of Conditions*****