



Appeal Decision

Site visit made on 4 February 2013

by **B.S.Rogers BA(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2013

Appeal Ref: APP/T2350/A/12/2184630

51-53 Knowsley Road, Wilpshire, Blackburn, BB1 9PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Phillips Property Limited against Ribble Valley Borough Council.
- The application Ref: 3/2012/0401, is dated 20 April 2012.
- The development proposed is redevelopment of site for residential purposes.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. The application for 9 houses and 12 apartments is in outline but includes details of access, layout and scale to be considered at this stage. Appearance and landscaping are matters to be reserved for later submission. The plans show an indication of the intended appearance of the dwellings, although I accept that details could vary.
2. The Council resolved on 11 October 2012 that, had the application progressed to determination, it would have been refused for 3 reasons relating to residential amenity, visual amenity and the inadequacy of the bat survey.

Main Issues

3. The main issues in this case are i. the impact of the proposal on the character and appearance of the area; ii. the impact on the living conditions of neighbouring residents; and iii. the adequacy of the bat survey.

Reasons

4. The development plan comprises the NW Regional Spatial Strategy (RSS) and the Districtwide Local Plan. The former is soon to be revoked and the latter is out of date in terms of its settlement strategy. The emerging Core Strategy is at submission draft stage and is presently of limited weight in this case. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and housing applications should be considered in the context of that presumption. Where relevant development plan policies are out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework.
5. In this case, the Council can point to around a 6 year supply of housing land in the District, against the RSS housing requirement, which it has adopted pending the emergence of the Core Strategy. Nevertheless, the Council has

not objected to the principle of redeveloping this 0.35 ha site, which presently contains 2 large, detached dwellings. It is regarded as a sustainable location within the settlement boundary of Wilpshire and the proposal could contribute to the supply of housing, including affordable housing.

6. The development plan includes the saved policies of the 1998 Ribble Valley Districtwide Local Plan. Of greatest relevance is Policy G1, a general development control policy, which seeks to achieve a high standard of building design and landscape quality and to avoid an adverse impact on the amenities of the surrounding area, matters which are consistent with the considerations within the Framework.

Character and appearance

7. The site lies in a predominantly residential area of Wilpshire, which is very mixed in character, varying from large, detached dwellings in landscaped grounds to terraced housing close to the road. Despite the varied housing mix, the area around the appeal site still retains a leafy character. The land beyond the western boundary of the site is open, agricultural land within the Green Belt.
8. The proposed development would clearly be at a much higher density than is presently found on site, although that is not in itself objectionable, so long as it remains in keeping with the character of the area. Nor do I find the proposal to include apartments as inherently objectionable; they would add to the variety of the housing mix in the locality. The proposed detached house and apartment block fronting Knowsley Road appear to me to be of an acceptable scale and massing when compared to the existing house, no.53 and the dwellings on either side, nos.45 and 55. However, given its size, the proposed apartment block appears to me to be unduly close to the road, such that its imposing visual presence could not be suitably mitigated by landscaping. I find this harmful to the character and appearance of the street scene.
9. Turning to the character of the site layout as a whole, it appears to me to be unduly dominated by the hard surfacing of the access road and of the adjacent expanse of car parking bays. There is little opportunity within, or on the periphery of, the site for sufficient landscaping to soften the impact of the built form. In my view, this unsatisfactory characteristic arises from the excessive amount of built development which the appellants seek to accommodate on site.
10. I conclude on the first main issue that the proposal would unduly harm the character and appearance of the area, contrary to the aims of the development plan.

Residential amenity

11. There are dwellings to the north, south and east of the appeal site. Turning first to the north, the proposed terrace of Units 2-5 would back on to the rear gardens of nos.55, 57 & 59 Knowsley Road, which are at a significantly higher level than the appeal site. Unit no.2 would be only 8m from the boundary with no.55 and would be in a position where its occupants could overlook, and be overlooked by, the occupants of no.55. The presence or positioning of any fenestration on the north elevation of the new dwellings cannot yet be determined but there appears to be an intention to have rooms in the roof space. Therefore, even though the new dwelling could be up to 2m lower than

the neighbouring garden, this relationship appears unacceptable. The introduction of high fencing to the rear boundary, sufficient to provide a screen, would be likely to appear overbearing to the occupants of Unit 2. I find the impact of Units 4 & 5 to be less harmful as they are designed to be at a lower level and would affect only the very rear part of the neighbouring gardens of nos.57 & 59.

12. The dwelling to the east of the site, no.54 Knowsley Road, is in an elevated position above the far side of the road in a well landscaped garden. Given the distance between this and the proposed new dwellings, and the intervening presence of a public highway, I am satisfied that the privacy of the occupants of no.54 would not be unduly reduced by the proposed development.
13. To the south of the proposed apartment block, the side elevation of a detached house, no.45, lies beyond a private access road. The apartments could be designed to avoid overlooking fenestration and to my mind would be sufficiently far away to avoid appearing unduly obtrusive or unduly diminishing the daylight enjoyed by the occupants of no.45.
14. Also to the south, to the rear of no.45, is a pair of semi-detached dwellings, nos.47 & 49. I have commented above on the large number of parking bays within the site, many of which abut the boundary with no.49. However, it appears possible to devise suitable boundary screening such that the use of these bays would not unduly give rise to disturbance or loss of privacy to the occupants of no.49.
15. In conclusion, I find that the size and proximity to the northern boundary of the terrace which contains Units 2-5 to unduly diminish the living conditions of the occupants of no.55 Knowsley Road and of the future occupants of Unit 2, contrary to the aims of the development plan.

Bats

16. The appellants have responded to the Council's 3rd putative reason for refusal by submitting an updated bat survey. In conjunction with a draft planning condition relating to how the demolition of the existing dwellings is undertaken, I find that this meets the aim of ensuring that there would be no undue risk of harming any bat population that may exist on site.

Other Matters

17. Despite the presence of a 6 year supply of housing land, there remains an acknowledged shortage of affordable housing in the District. The appellants propose that 6 of the units would be affordable (30% of the net increase in dwellings). A draft agreement under S.106 of the Act, which would have the effect of securing the affordable housing, was enclosed with the appeal documentation. However, a signed version has not been forthcoming and therefore I can attach little weight to the clear benefit that the development would bring to the supply of affordable housing in the area. Indeed, the failure to address this matter would lead me to conclude that the proposal fails to meet the identified housing need in the area.
18. The proposed access to Knowsley Road appears to be in a suitable location and to be designed for adequate visibility. Despite the rather acute junctions at either end of Knowsley Road, I can see no reason for concluding that the additional traffic generated would give rise to undue congestion or danger for

highway users. The proposal would have the small advantage of reducing traffic on the private drive to the south, as vehicular access to no.51 would no longer be needed via this drive.

19. In my view, the proposal would not lead to the loss of any trees of particular townscape value. A number of the trees surveyed are beyond the southern boundary of the site and appear unaffected by the development. The landscaping of the site would, in due course, be expected to add to the tree cover. However, the undue amount of hard surfacing does not appear conducive to a landscaping scheme which would accord with the character of the area.
20. I have taken account of all other matters raised but have found nothing of sufficient importance to alter my overall conclusion.

Conclusion

21. I have started with a presumption in favour of sustainable development on this site. However, against that, I have found the proposal to be unduly harmful to the character and appearance of the area, to the living conditions of neighbouring and future occupants and to fail to address the identified need for affordable housing. To my mind, these disadvantages of the proposal significantly and demonstrably outweigh the benefits. Accordingly, the appeal fails.

Formal Decision

22. The appeal is dismissed.

B.S. Rogers

Inspector