

RIBBLE VALLEY BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

Appeal by Mr J. Hindle, Haydocks Development Ltd, against the refusal by Ribble Valley Borough Council to grant planning permission for the proposed erection of a dwelling at land between 52 & 54 Knowsley Road, Wilsphire, BB1 9PN

Reference: APP/T2350/A/12/2181079/NWF

LPA Reference: 3/2012/0390/P

NGR: SD 368597 432244

Written representations submitted on behalf of the Local Planning Authority

1. INTRODUCTION

- 1.1 This appeal is against the decision of Ribble Valley Borough Council to refuse planning permission for a proposed new dwelling on land between 52 and 54 Knowsley Road, Wilpshire.
- 1.2 The application was refused by members of the Planning and Development Committee at the meeting on the 19 July 2012 for the following reason:
1. The proposal by virtue of its scale, design and massing is considered contrary to Policy G1 of the Districtwide Local Plan in that it would result in a dominant addition to the street scene which due to the size of the plot would result in a cramped appearance to the detriment of the visual amenities of the locality. It is also considered because of its proximity to adjacent properties to have a detrimental impact on neighbouring residential amenity by virtue of overlooking resulting in lack of privacy and have an overbearing impact.

2. THE PROPOSED DEVELOPMENT

- 2.1 The application sought consent for the erection of a two bedroom dwelling, and associated parking and garden area on an infill plot.
- 2.2 The dwelling would be part two-storey and part single storey. The two-storey portion of the dwelling would run parallel with the northern boundary of the site adjacent to 54 Knowsley Road and have a length of 14m, a width of 5m, and an overall height of 6.6m. The single storey element would project at an angle to and run parallel with the southern boundary of the site adjacent to 52 Knowsley Road. This single storey element would have a flat roof and approximate dimensions of 13.4m x 5.5m x 3.2m. A patio and garden area are proposed at the rear of the dwelling and three off-road parking spaces and a turning area is proposed at the front of the dwelling.
- 2.3 The site contains a Conifer hedge along the north and eastern boundaries which is at a higher level than the main area of the plot, and an Elm tree exists at the north western end of the site.

3. THE APPEAL SITE AND ITS SURROUNDINGS

- 3.1 The site is located between numbers 52 and 54 Knowsley Road, Wilpshire and lies within the settlement limit for Wilpshire, as defined by the Ribble Valley Districtwide Local Plan.
- 3.2 The land is an unusual wedge shape where it tapers away from the road from a width of 26m to 5.7m at its narrowest and was historically the side garden for number 52 Knowsley Road.

4. RELEVANT PLANNING HISTORY

- 4.1 Whilst the site has been severed from no. 52 Knowsley Road, the following planning applications have been submitted on site:

3/2012/0091/P	Proposed erection of a two storey detached dwelling, provision of a new vehicular access and associated landscaping (Resubmission). Refused
3/2010/0675/P	Proposed erection of a two storey detached dwelling, provision of a new vehicular access and associated landscaping. Withdrawn.

Copies of the submitted applications are included within Appendix 1 for the Inspectors convenience.

5. RELEVANT PLANNING POLICY

- 5.1 The planning policy context for the appeal site is set out in the National Planning Policy Framework (NPPF) and the adopted Ribble Valley Districtwide Local Plan (adopted June 1998).

5.2 National Policy

5.2.1 The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies. At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:

- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
 - specific policies in this framework indicate development should be restricted.

5.2.2 The site is an infill plot within one of the borough's main settlements therefore in principle the erection of a dwelling on this plot accords with saved Policy G2 of the Districtwide Local Plan. Should an Inspector disagree with this interpretation it is pertinent to provide information on the Council's housing provision.

5.2.3 For decision making purposes, the Council has adopted the RS housing requirement pending its review through the preparation of the Core Strategy. The RS requirements plans for some 161 units per year against which the Council can demonstrate a 5.82 year supply at present. The Core Strategy seeks to plan for 200 units per year, however the scale of requirement has been subject to significant and extensive objections that remain to be resolved through the examination process and at this time, the Council attaches less weight to this element of the Core Strategy. The Council cannot however demonstrate a five year supply against this requirement. It should be borne in mind that whilst a five year supply can be demonstrated against the RS requirement, this is not a maximum or ceiling and development needs to be considered against the principles established in NPPF around the presumption in favour of sustainable development. In terms of the saved

Local Plan policies, the proposal site is within the existing settlement boundary of Wilsphire and is located in a settlement where development would be directed, however this is always then assessed against current and saved Local Plan Policies which are considered to be key factors when assessing proposals of this nature. Details of the borough's available housing land is included in Appendix 2 for the Inspectors information.

5.2.4 NPPF considers that 'Local Planning Authorities should ensure that the proposed development does not undermine wider policy objectives, and advises that when considering whether or not to approve a proposal, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.2.5 Paragraph 58 of the NPPF notes that 'Planning decisions should aim to ensure that developments (amongst other things):

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development;
- reflect the identity of local surroundings and materials; and
- are visually attractive as a result of good architecture and appropriate landscaping.

5.2.6 Paragraph 64 of the NPPF continues on the theme of decision making noting that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.

5.3 Local Planning Policy

5.3.1 The Local Plan for the Borough was adopted in June 1998. Under the 2004 Planning and Compulsory Purchase Act it was expected that Local Development Frameworks (LDF) would be in place within three years. As a result Ribble Valley's Districtwide Local Plan could only be saved for three

years at this point in 2004. Therefore as of 28 September 2007, Ribble Valley would have no Development Planning Policies as the three year limit expired and an insufficient number of LDF documents were adopted therefore resulting in a policy void. In the months prior to September 2007 DCLG recognised the potential policy void as a national problem and therefore allowed local planning authorities to save their policies beyond their initial three year period. Ribble Valley took the opportunity to save the majority but not all of the Districtwide Local Plan policies during this exercise. Therefore, as of 28 September 2007, the adopted Districtwide Local Plan comprised only of the policies that have been saved with the following being relevant to the determination of this appeal.

5.3.2 Policy G1 is a general development control policy which stipulates the criteria which the Council will apply in determining all planning applications namely:

- (a) *Development should be sympathetic to existing and proposed land uses in terms of size, intensity and nature.*
- (e) *The density, layout and relationship between the buildings is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings as well as the effects of development on existing amenities.*
- (g) *Developments should provide adequate day lighting and privacy.*

6. THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 6.1 The application was assessed in accordance with Government guidance and local plan policy and was found to conflict with both.
- 6.2 In considering the proposal the council has had due regard to the visual impact of the proposed development on the street scene, its effect on residential amenity and highway safety.

- 6.3 In relation to visual amenity, it is this aspect that the Council has serious concerns. The dwelling would span across the site at its widest point approximately 15.5 metres. The site varies in width, and at the point where the dwelling will be positioned there would be a gap between the property and the boundary with no. 52 Knowsley Road of approximately 1.5m and a distance ranging between 2.5 metres and 3.1m to the boundary of no.54 Knowsley Road.
- 6.4 The properties on this stretch of Knowsley Road are characterised by detached houses set within plots surrounded by open space. The proposal would build upon a former garden area to no. 52 Knowsley Road resulting in the loss of one of these visual breaks. When viewed from the main road, the two storey element of the proposal would project forward of the front elevation of this property disrupting the development pattern of the area. In addition, by virtue of the scale, design and massing of the proposal, the dwelling would, in the Council's opinion, result in a visually cramped appearance, resulting in a dominant and an over intensive form of development that would be detrimental to the visual amenities of the street scene.
- 6.5 Turning to residential amenity, which formed the second part of the reason for refusal, Members also had serious concerns.
- 6.6 No.52 Knowsley Road would be positioned approximately 2.5 metres from the flat roof single storey element of the proposed dwelling and approximately 5.0 metres from the two storey element. The flat roof element of the dwelling at 3.2m high within 1.5m of the boundary of the property and within 2.5 metres of a window serving a kitchen diner along with the provision of the two storey element within 5.0 metres of the house would have an overbearing and oppressive effect on the amenities of these neighbours which the Council consider to be unacceptable.
- 6.7 At the Planning and Development Meeting where the application was decided, Members also raised concern about the potential overlooking of the first floor bedroom of no.52 Knowsley Road from the first floor windows proposed on the south elevation of the proposal similarly serving bedrooms. The provision of windows in this elevation would afford views into the front facing rooms at no.52. The views would be restricted by orientation, but the

occupiers of this dwelling would still experience a strong sense of intrusion, which would materially worsen the amenity of these residents.

6.8 With regards No. 54 Knowsley Road, this property is set at a higher level than this site which will mean that the occupiers of no. 54 will be level with the eaves of the proposed dwelling and their primary view will be of the roofscape of the proposed dwelling. The occupiers of this property currently experience a sense of openness when looking over the hedge from their garden area, lounge and sun room. The erection of this dwelling in the proximity proposed would result in the loss of this sense of openness and accordingly would have an overbearing and oppressive impact on these residents.

6.9 A substantial conifer hedge exists on the boundary of this property with the application site which provides significant screening from the site. The distance between the ground floor of the property and the hedge complies with the requirements of BS5837 Trees in Relation To Construction, however, the current site is unlevel and there is concern that the excavations required to prepare the site, before work could commence, would result in collateral damage to the roots of these trees. Should permission be granted it is considered necessary to ensure this hedge is protected both during construction and after the development has been completed.

6.10 In relation to highway safety, the Highway Engineer has no objections. However, he would wish to ensure that appropriate sightlines could be achieved. He also has reservations that the proposed new wall to the north may restrict visibility. No details of this wall have been submitted with the application. He has also stated that all planting and construction that falls within the extent of the visibility splay should be maintained at a maximum height of 0.9m above carriageway level. This is to maximise visibility for turning traffic and to insure there is adequate intervisibility between motorists and pedestrians. This is particularly relevant in this instance as there is no footway to the east side of Knowsley Road at this location. The Highway Engineer is of the opinion that imposing suitable conditions can address these issues

6.11 CONCLUSION

6.11.1 The proposal has been assessed on the basis of national and local plan policy and found to conflict with both. The Council is of the opinion that the proposal would have a harmful effect on the visual amenities of the street scene as well as the amenities of the nearby residents. It is for these reasons that the Inspector is respectfully requested to dismiss the appeal.

APPENDICES

1. Planning History
2. Housing Land Availability

CONDITIONS THAT THE LOCAL PLANNING AUTHORITY WOULD WISH TO SEE IMPOSED SHOULD THE INSPECTOR BE MINDED TO ALLOW THE APPEAL.

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2 This permission shall be implemented in accordance with the proposal as amended by the plan received on the 03 July 2012, drawing number BS.08-076-02 Rev.G.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments.

3. The development hereby permitted shall not be commenced until details of a replacement evergreen hedge have been submitted to, and approved in writing by,

the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of evergreen plants, total length and location of hedge that may be required in the event that adverse effects of the development hereby granted consent results in the loss of the existing evergreen hedge.

The approved evergreen hedge which would be planted on the northern boundary of the site shall be implemented in the first planting season following the loss of the existing hedge, whether whole or in part, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority and maintained there after at a maximum height of 3.75m. The maintenance shall include the replacement of any tree or shrub, which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of safeguarding adjacent residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services the evergreen hedge and weeping Elm identified in the Stage 1 Arboricultural Report & Tree Constraints Plan shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer.

A tree protection-monitoring schedule shall be agreed and tree protection measures

inspected by the local planning authority before any site works are begun. The root protection/exclusion zone identified in the Stage 1 report shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and considered to be of amenity value are afforded maximum physical protection from the adverse effects of development in accordance with planning policy G1 of the Districtwide Local Plan.

6. Before the access is used for vehicular purposes, the parking and turning space detailed on the submitted plans shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

REASON: To prevent loose surface material from being carried onto the public highway, in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. The access to the proposed development shall remain ungated.

REASON: In the interests of highway safety to enable vehicles to pull clear of the carriageway when entering the site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. The vehicular parking spaces and turning area shall be laid out as detailed on the submitted plans and shall be available for use prior to the first occupation of either of the dwellings hereby permitted. Thereafter, these facilities shall be kept permanently clear of any obstructions to their designated purpose.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. There shall not at any time in connection with the development be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device above a height of 0.9 metres. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 metres measured along the centreline of the proposed driveway from the nearer edge of the carriageway of Knowsley Road to the points where the neighbouring property boundaries on either side of the plot meet the highway boundary.

REASON: In the interests of highway safety to ensure adequate visibility at the site access and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking, amending or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In the interests of the amenity of the area and to safeguard nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

11. The dwelling hereby approved shall be constructed with its south facing elevation windows, serving the kitchen and lounge areas, shall be obscure glazed, details of which shall be submitted to and agreed in writing by the Local Planning

Authority before development commences, and also fitted with restrictions limiting the degree of opening of each opening light to not more than 45°. Thereafter, it shall be maintained in that condition in perpetuity to the satisfaction of the Local Planning Authority.

REASON: In order to protect nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

