
Appeal Decision

Site visit made on 14 July 2014

by Tom Cannon BA DIP TP MRTPI

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

Decision date: 14 October 2014

Appeal Ref: APP/M4320/A/14/2212936

Emrow, The Serpentine, Crosby, Liverpool, L23 6TD

- 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 Antony Kwok against the decision of Sefton Metropolitan Borough Council.
 - The application Ref S/2013/0912, dated 5 July 2013, was refused by notice dated 13 November 2013.
 - The development proposed is the erection of a contemporary single storey dwelling nestled in sand dunes overlooking the Bay of Liverpool. With ancillary accommodation and parking in undercroft area. Demolition of four concrete and asbestos garages.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposal would be a sustainable form of development.

Reasons

Background

3. The Council have confirmed they cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 49 of the National Planning Policy Framework (the Framework) indicates that in such circumstances; housing applications should be considered in the context of the presumption in favour of sustainable development; and, in the absence of a five year supply of deliverable sites for housing, relevant policies for the supply of housing should be considered out of date. Therefore Policy H10 of the Sefton Metropolitan Borough Unitary Development Plan 2006 (UDP) which relates to the supply of housing is out of date.
4. Paragraph 14 of the Framework confirms that for decision taking the presumption in favour of sustainable development means granting planning permission unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole, or specific Framework policies indicate that development should be restricted.

Character and appearance

5. The appeal site forms part of the private residential garden of Emrow. It therefore does not represent previously developed land as defined in Annex 2 of the Framework.
6. Blundellsands Park follows a planned layout, incorporating a sweeping Serpentine road, intersected by three straight roads running parallel to the sea, with a private park at its heart. The area was originally divided up into large plots, with the earliest and grandest houses concentrated on the principal road arteries, including Warren Road and The Serpentine. The extensive size of plots, landscaped grounds, sand dunes and generous spaces between properties contribute to a sense of spaciousness, which is a defining characteristic of the Blundellsands Park Conservation Area.
7. Emrow is a large, late Victorian villa, which formed part of the original planned settlement of Blundellsands Park and occupies a substantial plot fronting onto The Serpentine. It is identified in the Blundellsands Conservation Area Appraisal 2008 (CAA) as a building which contributes to the character of the area.
8. I note the introduction of higher density modern residential development of varying designs and styles on The Serpentine, particularly to the north of Park Road has impacted on the original structure and layout of the area. However, the appeal property despite being converted into flats, together with the neighbouring dwelling, Cap Martin, have retained their original 'as built' plot characteristics and proportions with the original driveway, grounds and prominent sand dunes clearly discernible. Whilst there are two existing garages within the grounds of Emrow, these structures are modest in size and do not detract from the open, landscaped character of the site.
9. The appeal proposal would involve the subdivision of the existing plot, introducing a large, contemporarily designed dwelling within the original side garden of Emrow. The presence of the proposed building would indicate the subdivision of the site, even if the existing single access is used for both dwellings. It would be positioned, nestled within the sand dunes and set back slightly behind the prominent front gable of the main house. The design concept is based on the provision of a central corridor, with the main living spaces radiating off it. The central feature of the dwelling would comprise of a glass box living space fronting onto The Serpentine, designed to give the impression that it is 'floating' within the sand dunes. Accommodation would principally be provided on one level, with undercroft parking and other ancillary facilities situated on the lower ground floor, taking advantage of the undulating levels on this part of the site.
10. I am mindful of paragraphs 60, 62 and 63 of the Framework which require planning decisions to not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. I am also aware that local planning authorities, when assessing planning applications should have regard to the recommendations of design review panels and attach great weight to outstanding or innovative designs which help raise the standard of design more generally in an area.
11. However, the requirement to provide the majority of the living accommodation on one level has significantly increased the footprint of the proposed dwelling.

As such, the property would extend back across the entire depth of the plot, with the office building and detached double garage adding to the quantum of development and overall site coverage. Although certain key landscaping features such as the sand dunes would be preserved, the scheme would involve the development of a substantial proportion of the largely undeveloped landscaped grounds of Emrow, one of the few remaining plots on The Serpentine which follow the original open plan layout of Blundellsands Park and contribute significantly to its character and significance. Whilst I note the appellant's detailed analysis of the varying plot widths in the area, the appeal scheme would result in the loss of a large spacious plot which is identified in the CAA as a defining characteristic of the Conservation Area.

12. The innovative design of the appeal scheme is of architectural merit, and has received support from the 'Places Matter! Design Review Panel' who consider the development to represent an 'exemplary piece of architecture which would enhance the Conservation Area'. The varied roof heights of the individually designed living areas arranged off the main corridor serve to break up its overall bulk and massing, and ensure the building does not compete with the taller and more dominant dwelling that is Emrow. The curved form of The Serpentine and existing landscaping also limits distant views of the site.
13. Nevertheless, paragraph 61 of the Framework states that, although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
14. The proposed dwelling, due to its extensive footprint and orientation on the plot, would enclose the open and spacious character of the landscaped grounds between the existing property and Bronshill Court. Its elevated position, elongated form and the solid brick construction of the flank elevations would increase its prominence and visual impact from the adjacent open space and approaches along The Serpentine to the north-west and south-east of the site. This adds to my concerns regarding the scheme's impact on the structure and layout of the site. Any potential benefits derived from the partial screening of the adjacent flats, which are identified as having a negative impact on the character of the area in the CAA would not outweigh such harm.
15. I accept that modern higher density development on The Serpentine, which has largely involved the redevelopment rather than subdivision of the original spacious plots, has introduced plots of varying sizes and widths along the sea ward side of the Conservation Area. Gaps between properties also vary in this area. Furthermore, developments such as Bronshill Court and Nos 1-18 The Serpentine have increased the building to plot ratio in the vicinity of the site. Nonetheless, this does not justify the further erosion of the original pattern and layout of Blundellsands Park.
16. Therefore, while subservient in height to Emrow the proposed dwelling, due to its extensive footprint, size and position would significantly increase the built form on the site, harming the open, landscaped character of the plot which forms part of the original planned layout of Blundellsands Park and is a key characteristic of the area's original character. As such, the development would

appear cramped and highly prominent within its setting and not be well integrated into the natural, built and historic environment of Blundellsands.

17. For these reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of the Blundellsands Park Conservation Area. It would be contrary to Policies HC1 and DQ1 of the UDP, which seek to ensure that the layout of the site respects the character of the area, and historically significant features which contribute to the established pattern of development are retained. There would also be conflict with one of the core planning principles of the Framework, that new development should make a positive contribution to local character and distinctiveness.
18. Government policy in respect of the historic environment is set out in the Framework. The Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. Any harm, which is less than substantial, must be weighed against the public benefits of the proposal, including securing its optimum viable use. It seems to me that the formal structure and layout of the streets, spacious landscaped plots, including the retention of important spaces between buildings, and the examples of high quality, well preserved residential properties contribute to the significance of the Conservation Area. On this basis, I consider that the harm I have identified would fall within the category of 'less than substantial', meaning that it should be weighed against any public benefits associated with the development.

Sustainable development

19. At the heart of the Framework is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These roles are mutually dependant and should be jointly sought to achieve sustainable development.
20. Paragraph 19 of the Framework states that significant weight should be placed on the need to support economic growth. The appeal proposal through the construction of the dwelling and expenditure associated with an additional household in the area would provide modest economic benefits to which I attach moderate weight. The provision of a new dwelling, designed to meet the particular accommodation needs of the appellant who has strong connections to the area, whilst increasing the mix of housing by freeing up his large existing property for others are social benefits associated with the scheme. I place modest weight on these considerations which broadly accord with the aims of Policy CS1 of the UDP, to make provision for new and improved housing to meet the needs of existing and new households.
21. I acknowledge that the Council cannot demonstrate a 5 year supply of deliverable housing sites. However, the appeal scheme would only contribute one dwelling to the supply of housing in the Council's area and as such it would not make a significant contribution towards meeting this need. I therefore attach moderate weight to this social and economic benefit.
22. The development would provide opportunities to improve biodiversity on the site in accordance with Policy NC2 of the UDP. It also seeks to address the impacts of climate change by incorporating sustainable building techniques. These are environmental benefits to which I also attribute moderate weight. In

addition, the site's accessible location close to shops, services, public transport nodes and employment opportunities adds to its sustainability credentials.

23. However, in considering what is sustainable development the Framework should be taken as a whole. In this case the benefits of the appeal scheme are substantially and demonstrably outweighed by the less than substantial harm to the significance of the designated heritage asset. Consequently, it would fail to fulfil the environmental role and thus, would not represent sustainable development in the context of the Framework's policies. Therefore, the Framework paragraph 14 presumption in favour of sustainable development does not apply in this case.

Other Matters

24. The original property has been extended out to the side. However, this addition is significantly smaller than the proposed development in both scale and mass and its impact is therefore less pronounced. Reference has also been made to Maeldune, an individually designed contemporary dwelling, situated further north along The Serpentine, which is acknowledged in the CAA as having a neutral impact on the area's character. It occupies a modest footprint and smaller proportion of the plot than the proposed dwelling. It is not therefore directly comparable to the appeal development.
25. Although there are other examples of modern buildings which have been approved elsewhere on The Serpentine, I have considered the appeal scheme on its own merits with regard to relevant planning policy.

Conclusion

26. Following consideration of all matters raised in this appeal, including the scope of possible planning conditions, no matters have been found to outweigh the identified harm and policy conflict. Accordingly, the appeal should be dismissed.

T Cannon

INSPECTOR