

STATEMENT OF APPEAL

on behalf of Mr C Devenish of Oakley Asset Management Ltd

Site Location. Prospect House, 21 Huyton Church Road, Huyton, L36 5SH

Application No: 21/00800/OUT (Knowsley Council)

Description: OUTLINE APPLICATION (LANDSCAPING RESERVED) FOR THE DEMOLITION OF THE EXISTING STRUCTURES AND ERECTION OF 2 APARTMENT BUILDINGS FOR UP TO 54 APARTMENTS IN EITHER C2 (CARE HOME) OR C3 (RESIDENTIAL) USE

Address: Prospect House, 21 Huyton Church Road, Huyton, L36 5SH

Application Validated: 4th March 2022

Decision Made: 11th July 2022

Date of Appeal: 18th August 2022

Agent:

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1.0 Introduction

1.1 This report provides the Grounds of Appeal against the decision to refuse outline planning permission for the demolition of the existing structures and the erection of two apartment buildings for up to 54nr apartments in either C2 (Care Home) or C3 (Residential) Use

Terms of Reference

1.2 We act for Mr C Devenish of Oakley Asset Management Ltd

2.0 Description

2.1 The site, which is the subject of this appeal, is 21 Huyton Church Road, a 1950's office building that sits within a generous plot in a residential area, predominantly comprising of 2 to 3.5 storey residential accommodation but with some commercial use buildings (rehab home, children's nursery).

2.2 The application site comprises 0.7 acres of land, which is currently occupied by a single storey building that is occupied by Cubex (UK) Ltd who are looking to relocate to larger commercial premises.

2.3 The site is located within a sustainable location for residential development within the heart of Huyton, directly adjacent to existing residential communities in addition to local retail and community services.

2.4 The site occupies a prominent position along Huyton Church Road, which forms the site's Eastern boundary. Huyton Police Station borders the site to the West and existing residential properties line the site's boundaries to the North and the South.

2.5 The application site benefits from exceptional public transport connections, with the main Huyton Bus interchange 2 minutes' walk and Huyton train station approx. 5 minutes' walk with direct connections into Liverpool City Centre being 10 minutes. Other regular direct services go to both Huyton and other local town centres.

2.6 The character of the surrounding area is dictated by a mix of uses set within a residential hinterland. There is no single architectural vernacular in the vicinity as such, with existing buildings displaying a mixture of styles and heights. Although most are predominately two to three storey in

height, there is a range of building heights within the vicinity and a mixture of semi-detached and detached properties, bounded by large scale retail and commercial uses.

2.7 Along the East of the site is a number of trees and hedgerow which line Huyton Church Road. There are a further small number of trees located along the West boundary to the rear. It is the applicant's intention to preserve and retain all existing trees and planting to the street frontage and where possible elsewhere (these trees are not subject to a Tree Preservation Order (TPO)).

2.8 Although the site is located within the Conservation Area boundary, it is not located within the setting of any listed buildings, locally listed buildings, scheduled ancient monuments or nationally listed historic parks and gardens within the area potentially affected by the proposed development.

2.9 The site constitutes a highly sustainable location for residential development. The application site is a brownfield site, providing a valuable opportunity to improve the character of the area and amenity for neighbouring properties.

2.10 The proposal is an outline application with only landscaping reserved for future consideration. As such the application seeks approval of all other matters including access, appearance, layout and scale.

2.11 The proposal is for the demolition of the existing structures and the erection of 2 apartment buildings for up to 54 apartments in either C2 (care home) or C3 (residential) use.

2.12 The proposal consists of a 3 and a half storey apartment building fronting Huyton Church Road with a lower ground floor and a 4 storey apartment building to the rear of the site with accommodation within the roofspace within the existing landscaped area. The care home proposal incorporates communal facilities within the rear building with flats above. The proposal seeks to retain the car parking area to the North of the site and proposes minor works to utilise the existing access, such as making good the boundary fronting Huyton Church Road and resurfacing the driveway.

2.10 The application for Outline Consent was refused on 11th July 2022, with five reasons for refusal, as follows:

1) The development is detrimental to the amenity of neighbouring residents by virtue of dominance, loss of light, overlooking and loss of privacy. Furthermore insufficient evidence has been provided to demonstrate that sufficient light and outlook will be available to residents of the new development due to the proximity of mature trees. The development is therefore contrary to policies CS2 and CS19 of the Knowsley

Local Plan Core Strategy (adopted 2016), Saved Policy H7 of the Replacement UDP, the Amended New Residential Development SPD and the NPPF.

2) The proposal does not to respond or integrate positive characteristics of the immediate surroundings nor does the proposal enhance local distinctiveness, or integrate effectively with existing development. The proposal is also not considered to enhance local character nor promote quality of place by virtue of the scale, height, massing, density, siting and the design and proportions of the proposed development. As such the proposal development is considered to represent overdevelopment of the site and is considered contrary to policies CS2 and CS19 of the Knowsley Local Plan Core Strategy (adopted 2016), the Amended New Residential Development SPD, the Design Quality in New Development SPD, the National Design Guide and the NPPF .

3) The proposal will result in avoidable loss of the visually important trees to the rear of the site, and provides insufficient information to demonstrate that high value Beech trees which significantly add to the character of the area at the front of the site can be protected during the construction period and would not come under undue pressure to be removed due to the proximity of living accommodation to their canopies. Furthermore the site does not provide enough space for appropriate tree replacement planting/tree retention within the site. The proposal would have an adverse effect on trees and the important contribution they make to the local area and the development is therefore contrary to policies CS2, CS19 and CS21 of the Knowsley Local Plan Core Strategy (adopted 2016) and Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan (adopted June 2006) and the

NPPF, the Trees and Development SPD and the Amended New Residential Development SPD.

4) The application does not demonstrate that unacceptable harm would not be caused to highway safety because insufficient information has been provided to demonstrate that the traffic associated with the site and delivery and service vehicles could adequately access/egress and maneuver within the site. Furthermore, there is insufficient parking provision within the site which would result in parking on Huyton Hey Road and surrounding areas to the detriment of safety and amenity. The proposal is therefore considered to be contrary to policies CS19 and CS7 of the Knowsley Local Plan Core Strategy (adopted 2016), Saved Policy H7 in the Replacement Unitary Development Plan and the 'Ensuring Choice of Travel SPD and the NPPF.

5) The proposal is detrimental to the character and appearance of the Victoria Road and Huyton Church Road Conservation Area and fails to preserve or enhance the Victoria Road and Huyton Church Road Conservation Area by virtue of the scale, height, massing, density, siting and the design and proportions of the proposed development and having regard to the loss of trees. The proposal would be harmful to views within and out of the Conservation Area and would result in a dominant addition within the street scene. The proposal would be harmful to the distinctiveness and character of Victoria Road and Huyton Church Road Conservation Area and would not integrate within the immediate landscape. The proposal would result in substantial harm to the Victoria Road and Huyton Church Road Conservation Area is contrary to Policies CS2 and CS20 of the

*Knowsley Local Plan Core Strategy (adopted 2016), Saved Policy DQ4 of the
Knowsley Replacement Unitary Development Plan (adopted June 2006) and the NPPF.*

3.0 Background

Following lengthy discussions with Knowsley Council, the applicant received formal pre-application advice in 2017 (Planning Ref: 16/00077/PREAPP) relating to the possible 'Demolition of the existing office building and the erection of seven dwellinghouses comprising two pairs of semi-detached houses and a terrace of three houses, and associated works'.

It was concluded that:

- the current office building had no particular architectural, design or historic merit together with car parking and grassed areas (no objection to its demolition)
- Residential development is acceptable in principle
- Development should enhance the character and appearance of the Conservation Area
- Subdivision of the plot is unacceptable and would cause harm
- Floor-to-ceiling heights should reflect the sense of grandeur and relate to the scale of the detached neighbouring Victorian villa
- The site should be treated as two separate plots with the original, simple division re-established
- established building line should be respected
- Mature trees and the front hedge should be retained
- Proposals should look to utilise the two existing access/egress points
- An alternative approach that looks to subdivide the plot into two, to construct two individual dwellings or dwelling blocks which can be read in the same scale, height, orientation and shape as the Victorian villa properties could be explored.

During the Pre-App review meeting the planning officer at the time suggested the client should instead bring forward a development of 2 to 3 blocks of apartments, designed to replicate large Victorian villas, and that these could be 4 storeys in height. Further discussions with another of the Knowsley Council planning team included the option of combining the site with the police station at the rear as this is coming up for redevelopment too. The idea discussed was to utilize the driveway in from Huyton Church Road for the combined site. However, this was later ruled out as the Police are focused on a new HQ in Liverpool and their timescale is unknown which the client couldn't wait indefinitely for.

Smashbox Architecture was appointed in 2021 to explore design and layout options on this basis.

Discussions with local estate agents at that time (given also the uncertainty and financial climate following the pandemic) suggested a possible requirement for C2 use along side C3, so it was agreed that the best course of action would be to seek outline permission for a dual application, to offer flexibility to any prospective purchasers going forward to adapt the development to the market.

Working with the topology of the site, the existing access, height scale and massing of neighbouring properties, and considering the viability of bringing the site forward, it was established that a development of up to 54nr apartments would work within the site, within two buildings (villas) to the frontage with a third building to the rear of the site. All trees to the front could be retained though it was suggested that the trees of poor quality to the rear of the site could be removed.

Although the application was submitted in outline format, extensive accompanying reports were included within the submission, such as:

- Design and Access Statement
- Heritage Statement
- Detailed floor plans and elevations
- 3D Visuals
- AH & S106 Statement
- Financial Viability Assessment
- Drainage Strategy
- Tree Survey
- Ecological Scoping Assessment
- Phase 1 Environmental Site Investigation

Despite discussions and negotiation with the planning and conservation officer, the application was refused on 11th July 2022.

The officer would not allow any amendments to be made to the current scheme.

4.0 Grounds for Appeal

The reasons for refusal appear to be unfair and inconsistent with other approvals within the local borough.

The proposal offers an attractive design of high quality that would complement the conservation area and create a positive impact, especially given the viability issues of delivering any new development

at this location. The applicant has ensured that the appearance and frontage to the street be a key consideration.

The proposal was submitted following advice and discussions with the planning authority prior to submission of the application.

We dispute that the proposal would be detrimental to the amenity of neighbouring residents by virtue of dominance, loss of light, overlooking and loss of privacy, due to the overall size of the site, interface distances, existing boundary treatment (heavy landscaping to all boundaries) and the proximity of outbuildings and structures within neighbouring properties along the boundaries. The proposal respected the existing levels within the site so that the building had the appearance of a three storey property in streetscene, with accommodation concealed sensitively within the roofspace.

With regards to the concern that the existing trees would obscure the outlook for new residents within the development, we disagree that this is a valid concern given the varying height of the trees and also that the apartments to the front have expansive 'floor to ceiling' glazing to all rooms. The applicant would be happy to include a statement from the arboriculturist to confirm the same should this be requested.

We dispute that the proposal results in avoidable tree loss; the applicant confirmed that all trees to the frontage could be retained, and it was suggested by the officers during the pre-application advice that all trees to the rear (as they are of low quality) could be removed.

The tree report sets out a Root Protection area for the protection and retention of all trees and hedges to the front of the site.

In terms of parking provision, we would have been happy to supply a full Transport Statement during the application had these been accepted. The access into the site is to be retained as existing and the layout accords with parking provision and standards for a site at this central location in accordance with policies CS9 and CS7 of the Knowsley Local Plan Core Strategy (adopted 2016), Saved Policy H7 in the Replacement Unitary Development Plan and the 'Ensuring Choice of Travel SPD and the NPPF that set out maximum parking standards for C2 and C3 development.

We dispute that the proposal is detrimental to the character and appearance of the Victoria Road and Huyton Church Road Conservation Area, nor does it fail to preserve or enhance the conservation area by virtue of the scale, height, massing, density, siting or the design and proportions of the proposed development, and having regard to the loss of trees.

The proposal works with the levels within the site to ensure the height scale and massing is respectful and akin to the few remaining original Victorian villas within the locality. The design offers a contemporary design that acknowledges traditional proportions and detailing whilst offering affordable yet beautiful accommodation for future occupants within a beautifully landscaped, yet central location.

The proposal would not be harmful to views within and out of the Conservation Area – it would arguably be the most positive contribution in recent years to the area and it has been designed sensitively so that it does not result in a dominant addition within the street scene. The proposal serves only to enhance and offer a betterment to the distinctiveness and character of Victoria Road and Huyton Church Road Conservation Area and it would integrate only positively within the immediate landscape. As can be seen by the financial assessment anything smaller will not be viable meaning the existing soon-to-be-vacated structure and site lying decaying and potentially dangerous indefinitely which we think is clearly, without even being close, a bigger damage to the area than the proposal.

5.0 Conclusions

5.1 On behalf of our client we have considered the reasons given to refuse planning permission for the proposed development against current policy, the development plan and other material considerations.

5.2 We feel the reasons for refusal are unfair and inconsistent with policy and other development within the area

5.3 We have also considered the relevant material considerations, none of which out-weigh the presumption in favour of development.

5.4 We therefore conclude that a planning permission should be granted on appeal.

6.0 Recommendations

6.1 Given that the proposal accords with current policy and other relevant material considerations, we respectfully request that planning permission is granted for this appeal.

Grounds of Appeal – 21 Huyton Church Road, Knowsley