

Appeals Received and Decisions Made

Email: planning.department@sefton.gov.uk

Contact Officer: Mr Steve Matthews 0345 140 0845

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Appeals received and decisions made between [23 March 2021](#) and [11 May 2021](#)

Appeal Decisions

[Land To Rear Of 238-242 Rimrose Road Bootle Liverpool L20 4QT](#)

Reference: DC/2020/01791 (APP/M4320/W/21/3266402)

Change of use of former workshop to dwelling

Procedure: Written Representations

Start Date: 17/02/2021

Decision: Dismissed

Decision Date: 30/04/2021

[Land Adjacent To Nos. 46 And 46A Hawesside Street Southport PR9 0TN](#)

Reference: DC/2020/01072 (APP/M4320/W/20/3264590)

Erection of a dwellinghouse.

Procedure: Written Representations

Start Date: 25/01/2021

Decision: Dismissed

Decision Date: 22/04/2021

[51 Oxford Drive Waterloo Liverpool L22 7RY](#)

Reference: DC/2020/01851 (APP/M4320/W/20/3263747)

Conversion and extension of height of the existing garage to an independent accommodation for letting purposes (Alternative to DC/2020/01010 refused 08/09/2020)

Procedure: Written Representations

Start Date: 11/01/2021

Decision: Dismissed

Decision Date: 01/04/2021

[40 Fernhill Road Bootle L20 9HH](#)

Reference: DC/2020/00882 (APP/M4320/W/20/3265615)

Change of use of the premises from A1 (retail) to A5 (hot food take-away) incorporating the installation of an extraction flue to the rear of the property.

Procedure: Written Representations

Start Date: 26/01/2021

Decision: Dismissed

Decision Date: 30/03/2021

[23 Waterfield Way Litherland Liverpool L21 9PY](#)

Reference: DC/2020/01155 (APP/M4320/D/20/3263556)

Erection of a single storey extension to side and rear of the dwellinghouse (Retrospective)

Procedure: Householder Appeal

Start Date: 15/01/2021

Decision: Dismissed

Decision Date: 30/03/2021

[23 Waterfield Way Litherland Liverpool L21 9PY](#)

Reference: EN/2020/00590 (APP/M4320/C/21/3266384)

Procedure: Written Representations

Appeals received and decisions made between [23 March 2021](#) and [11 May 2021](#)

Without planning permission and within the last four years, the erection of a single storey side and rear extension to the dwellinghouse

Start Date: 26/01/2021
Decision: Dismissed
Decision Date: 30/03/2021

New Appeals

[Land West Of Damfield Lane Damfield Lane Maghull](#)

Reference: DC/2020/02059 (APP/M4320/W/21/3268667)

Variation of conditions 1, 14 and 16 pursuant to planning permission DC/2019/02432 approved 03/08/2020 to introduce gated access to the development

Procedure: Written Representations
Start Date: 26/03/2021
Decision:
Decision Date:

[1 Heather Close Formby Liverpool L37 7HN](#)

Reference: DC/2020/02369 (APP/M4320/D/21/3269181)

Erection of a boundary wall 900 mm high with intermittent pillars at 1475 and one pillar at 1660

Procedure: Householder Appeal
Start Date: 24/03/2021
Decision:
Decision Date:

[39 Harebell Close Formby Liverpool L37 4JP](#)

Reference: DC/2020/01591 (APP/M4320/D/21/3270063)

Erection of a part two storey part first floor extension to the side of the dwellinghouse.

Procedure: Householder Appeal
Start Date: 30/03/2021
Decision:
Decision Date:

[Meadowcroft 2 Old Rectory Green Sefton Village Liverpool L29 6YD](#)

Reference: DC/2020/02082 (APP/M4320/W/21/3267517)

Change of use from garden room to office for administration only (retrospective application)

Procedure: Written Representations
Start Date: 26/03/2021
Decision:
Decision Date:

[Land To The Rear Of 61 Gardner Road Formby Liverpool L37 8DE](#)

Reference: DC/2020/02046 (APP/M4320/W/21/3272332)

Change of use of the land from amenity space to a private garden.

Procedure: Written Representations
Start Date: 07/05/2021
Decision:
Decision Date:

[Chestnut House 2A Chestnut Avenue Crosby Liverpool L23 2SZ](#)

Reference: DC/2020/01647 (APP/M4320/W/21/3270461)

Procedure: Written Representations

Appeals received and decisions made between [23 March 2021](#) and [11 May 2021](#)

Installation of replacement UPVC windows and doors to the front, sides and rear elevations, addition of five rooflights and alterations of two windows to doors to the rear elevation including replacement gutters.

Start Date: 19/04/2021

Decision:

Decision Date:



Appeal Decision

Site Visit made on 20 April 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2021

Appeal Ref: APP/M4320/W/21/3266402

236 Rimrose Road, Bootle, Liverpool, Merseyside L20 4QT

- 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 Brian Corrigan against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01791, dated 3 September 2020, was refused by notice dated 23 November 2020.
 - The development proposed is the change of use of former workshop to a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would provide acceptable living conditions for its future occupiers.

Reasons

3. The building is constrained by its positioning immediately adjacent to two of the boundaries to the site. Furthermore, its location in relation to adjoining buildings and to the other two site boundaries places further restrictions on the outlook that could be achieved from the windows that would serve the habitable rooms of the proposed dwelling. In particular, the outlook from the proposed bedroom would be poor as it would be dominated by the presence of the high wall of 234 Rimrose Road, which extends alongside the window and continues along the full length of the vehicular access to the site.
4. The open plan kitchen and living room would be served by several clear glazed windows, but due to their closeness to the site boundaries their outlook too would be impaired, specifically by the presence of the existing boundary fences and by the side wall of No 11 Addison Street. Overall, these factors mean that only a limited outlook could be provided from the windows of the proposed dwelling and it would be an outlook which would fail to provide satisfactory living conditions for the occupiers of the proposed dwelling.
5. For the same reasons, the amount of sunlight reaching the rooms of the proposed dwelling would also be restricted. Whilst reference is made to light level testing that has been undertaken by the appellant, there is no substantive evidence before me in this respect. The appellant has also indicated a willingness to insert rooflights, but I have not been provided with any details of how many would be installed or where they would be located. Irrespective, this would not address the concern with respect to poor outlook.

6. The garden area would be of a limited size and would not meet the space requirements set out in the New Housing Supplementary Planning Document 2018 (SPD). Although it could provide future occupants a place to sit out, there would be a degree of overlooking from existing properties and it would have a constrained and oppressive feel due to its close proximity to the boundary fencing and to the adjacent buildings, including the appeal building itself. Therefore, the proposal would fail to provide an appropriate quality of outdoor amenity space to meet the reasonable needs of the future occupiers of the proposed development.
7. My attention has been drawn to a planning permission (DC/2020/01575) that has been granted by the Council on a different site and I have been provided with extensive information relating to this. On the basis of this there do appear to be some differences in the relationship of the individual proposals to existing properties but, in any event, I am not bound by previous decisions of the Council. The existence of the other planning permission to which I have been referred does not therefore justify the proposal that is before me.
8. I therefore conclude that acceptable living conditions would not be provided for the future occupiers of the proposed dwelling. Consequently, the proposal would fail to accord with Policy EQ2 of the Sefton Local Plan 2017, where it seeks to achieve acceptable living conditions. There would also be a conflict with the SPD and the National Planning Policy Framework where they seek to meet the same objective.

Other Matters

9. I acknowledge that the appellant has sought to make amendments to the proposal and that there is support for it from a number of interested parties. The proposal would also provide a new dwelling in an urban location which has good access to services and facilities. However, these considerations do not outweigh the fact that acceptable living conditions would not be provided for its future occupiers.
10. Whilst concerns relating to security, fly-tipping and crime pertaining to the presence of the existing building have been raised, I am not persuaded that the appeal proposal is the only way in which such matters could be addressed.

Conclusion

11. For these reasons, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR



Appeal Decision

Site Visit made on 22 March 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by M Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2021

Appeal Ref: APP/M4320/W/20/3264590

46A Hawesside Street, Southport, PR9 0TN

- 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 Jeff Stephenson against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01072, dated 17 June 2020, was refused by notice dated 15 October 2020.
 - The development proposed is to erect a 2 bed house on vacant site.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are:
 - the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook, and
 - whether the proposal would create satisfactory living conditions with particular regard to private amenity space.

Reasons for the Recommendation

Living conditions of neighbouring occupiers

4. The appeal site is an area of land adjacent to 46/46a Hawesside Street in a residential area characterised by a mix of detached and semi-detached dwellings. The proposed dwelling would be to the rear of the site due to the adjacent electricity substation.
5. Due to the position of the substation the dwelling would be set further back from the highway than the surrounding dwellings. The rear of the dwelling would therefore protrude beyond the neighbouring properties to the rear of the site, thus significantly limiting the distance between the rear of the proposal and the rear kitchen window of 34 Derby Road. This would result in an unacceptable limiting of the outlook available from the neighbouring property and would cause harm to the residential environment, exacerbated by the two-storey nature of the proposal.

6. I conclude that the proposed development would harm the living conditions of neighbouring occupiers with particular regard to outlook. Consequently, the proposal would not accord with Policy EQ2 of the Sefton Council A Local Plan for Sefton (2017) and the Sefton Council Supplementary Planning Document New Housing (2018) (SPD) which together seek to ensure, amongst other things, that the arrangement and layout of buildings protects the amenity of those within the site and adjacent to the site. It would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework).

Satisfactory living conditions

7. The proposal would incorporate two parking spaces to the front of the dwelling, one of which would be underneath a roof terrace accessed from the first floor. This roof terrace would create the only outdoor amenity space for the occupiers. This would not meet the guidance in the SPD which indicates that private and usable gardens for one and two bedroom houses should be at least 50m².
8. The appellant has suggested that the inclusion of one of the two parking spaces to the front of the dwelling within the calculations of amenity space would meet the requirement of the SPD. However, I am not persuaded by the evidence before me that future occupiers would not use them and that there would not be conflict between the need for parking and provision of private amenity space. In any event, I have to determine the appeal on the proposal and evidence before me.
9. I conclude that the proposed development would not create satisfactory living conditions with particular regard to private amenity space. Consequently, the proposal would not accord with Policy EQ2 of the Local Plan and the SPD which together seek to ensure, amongst other things, that the arrangement and layout of buildings protects the amenity of those within the site and adjacent to the site. It would also conflict with the Framework.

Conclusion and Recommendation

10. The proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal should be dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

M Seaton

INSPECTOR



Appeal Decision

Site Visit made on 9 March 2021

by Sarah Manchester BSc (Hons) MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 1st April 2021

Appeal Ref: APP/M4320/W/20/3263747

51 Oxford Drive, Waterloo, Liverpool L22 7RY

- 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 Dr Thomas Lee against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01851, dated 15 June 2020, was refused by notice dated 18 November 2020.
 - The development proposed is Conversion and extension of height of the existing garage to an independent accommodation for letting purposes (Alternative to DC/2020/01010 refused 08/09/2020).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is described in the application form as 'Further to planning application DC/2010/01010 seeking approval for subsequent use of a permitted annex as independent accommodation for letting purposes which was refused. This application makes minor amendments to the plans to include private amenity space to appease the previous reason for refusal.' In the interests of clarity, I have adopted the description from the decision notice and the appeal form in the banner heading above.
3. Permission¹ was granted in June 2020 for conversion and extension in height of the existing detached garage to living accommodation as an annexe to No 51. As far as I am aware, the permission has not been implemented. The appeal scheme differs from the approved scheme in that the converted building would be a separate and independent residential unit and an area of private outdoor space would be provided to the front of the building.
4. The reason for refusal relates to the private outdoor space. However, both parties have submitted evidence to the appeal in respect of the internal living accommodation. Consequently, and taking into account the substantive nature of the issue, I am satisfied that neither party would be prejudiced by my consideration of it in the determination of the appeal.

Main Issue

5. Therefore, the main issue is whether the proposal would provide an adequate standard of living conditions for future occupiers.

¹ Ref DC/2020/00549

Reasons

6. The appeal site is a single storey garage and hardstanding between 51 and 49 Oxford Road. It is separated from No 49 by a low brick wall and narrow back lane that provides access to the rears of properties on Beach Bank. It is in a densely developed residential area with closely spaced semi-detached and terraced dwellings. It is close to Crosby Coastal Park, an area of open green space with grassland and sand dunes leading to the beach.
7. The proposal would include approximately 44sqm of outdoor space to the front of the building. Slightly less than half of the area would be used to provide a bin storage area, a pathway to the front of the dwelling and a passageway to the side providing access to the dwelling. The small front garden would be enclosed by means of a new low boundary wall to Oxford Road.
8. Sefton Councils New Housing Supplementary Planning Document Adopted June 2018 (the SPD) sets out the requirements for private and useable garden areas for houses. This indicates that 1-2 bed properties should have a minimum of 50sqm of useable space, excluding front gardens, although a lesser space may be acceptable where it is consistent with the character of the area or it is dictated by particular site constraints. The proposed front garden space would not meet the SPD standards and it would not meet the reasonable needs of future occupiers in relation to activities such as sitting out, the drying of clothes or for children's play. Future occupiers would have access to the nearby public open space, but opportunities for outdoor recreation would not compensate for the shortfall in private outdoor space.
9. There is variation in the size of gardens in the area, and dwellings on corner plots and the mid-terrace dwellings facing the coastal park have their useable garden space to the fronts of properties. However, the appeal building is a small detached garage facing Oxford Road. The proposal would not be a flatted development, nor a large dwelling in a large corner plot, nor part of a terrace facing the coast. It would not be consistent with the character of the area. The smaller gardens of historic and flatted development do not justify a proposal that would fail to meet relevant current standards.
10. The low boundary brick wall would be in keeping with the Oxford Road frontages. The appellant has suggested that the addition of trellis fencing above the wall would be consistent with the taller boundary treatments of corner properties, including No 51, and it would ensure an adequate level of privacy for future occupiers. Even so, a taller boundary treatment would not mitigate the adverse effects arising from the shortfall in outdoor space.
11. The proposal would be a market dwelling with approximately 42sqm of internal floor space over 2 storeys. There would be 1 bedroom and a small bathroom at ground floor level, with a first floor open plan kitchen and living area and a wc.
12. In the absence of local internal space guidance, my attention has been drawn to The Technical Housing Standards – nationally described space standard Adopted March 2015. This sets out requirements for gross internal floor areas for new dwellings at defined levels of occupancy. In this regard, a 1 bedroom 2 person dwelling over 2 storeys, as is proposed here, should provide a minimum of 58sqm gross internal area. Dwellings should also have a minimum floor to ceiling height of 2.3m for at least 75% of that area.

13. The proposal would not meet the minimum standard for even the smallest 2 storey dwelling, which is necessarily larger than a 1 storey dwelling to accommodate the circulation space required for stairs. Moreover, taking account of its height and shallow roof slope, the proposal fails to demonstrate that it would provide the necessary floor to ceiling heights. Consequently, while it would be adequate for ancillary use in connection with No 51, there is little compelling evidence that it would be suitable for permanent independent use.
14. My attention has been drawn to small residential units elsewhere in the area. In the absence of full details, including the particular circumstances or whether they were determined in the same policy context, I cannot be certain that they are directly comparable and they do not provide a justification for the scheme.
15. Therefore, the proposal would fail to provide an adequate standard of living conditions for future occupiers, with regard to both external and internal space. In its decision notice, the Council has cited Policy HC3 of A Local Plan for Sefton Adopted April 2017 (the LP), which states that new residential development will be permitted in primarily residential areas where consistent with other LP policies. In this regard, the proposal would also conflict with Policy EQ2 of the LP in relation to high quality design that protects residential amenity and meets the long term needs of residents, and functional outdoor spaces. It would conflict with the guidance in the SPD and the residential amenity aims of the National Planning Policy Framework (the Framework).

Other Matters

16. The proposal is in a suitable accessible location for residential development, in a popular area close to the coast. I accept that there would be a demand for a 1 bed property in this area, but this does not outweigh the harm.
17. The Framework encourages the development of under-used land and buildings, especially if it would help meet identified needs for housing where land supply is constrained. The Council can demonstrate a 5 year supply of deliverable housing sites and the proposal would not contribute towards meeting an identified housing need. The proposal would make a negligible contribution to the supply of housing and it would not make a positive contribution to local housing stock. There would be very limited economic benefits in the short-term during construction. Future occupiers would make a minimal contribution to the local economy and the local community.

Conclusion

18. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that would outweigh the conflict.
19. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR



Appeal Decision

Site Visit made on 23 March 2021

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/M4320/W/20/3265615

40 Fernhill Road, Bootle L20 9HH

- 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 Michael Dalton against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/00882, dated 19 May 2020, was refused by notice dated 7 August 2020.
 - The development proposed is a change of use from A1 (retail) to A5 for the sale of hot food to take away, as well as the installation of an extraction flue to the rear of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on character of the area, the vitality and viability of the local shopping parade and public health.

Reasons

3. The appeal premises is part of a local shopping parade of 14 units occupied by a range of commercial, business and service uses¹, and a hot food takeaway (Sui Generis). The appeal premises are occupied by a retailer. None of the premises within the parade are vacant. Most of the traders appear to serve local needs and there is no indication that the parade is not otherwise vital and vibrant considering current restrictions.
4. Hot food takeaways provide products and services that can adversely impact on health and wellbeing as they typically sell low cost, energy-dense meals with little nutritional value that can contribute towards obesity and its ensuing health issues. Excessive consumption of this type of food can contribute towards child and adult obesity. Nearly 69% of adults within the Borough are overweight which is above the national average and the Council's Control of Hot Food Takeaways and Betting Shops Supplementary Planning Document (SPD) outlines the effect of this on people and the health service. The SPD also explains that the density of hot food takeaways and the general ease of access in certain areas has been linked to increased levels of obesity. There is also a correlation between the number of hot food takeaways and deprived areas and the gatherings of youths and possible anti-social behaviour. This can be harmful to the character, and the vitality and the viability of the neighbouring retail units if it results in consumers feeling unsafe.

¹ This includes former use classes A1, A2, A3, B1, D1 and D2

5. Policy EQ1 of A Local Plan for Sefton (Local Plan) seeks to maximise opportunities to improve quality of life for people in Sefton by, among other things, appropriately locating hot food takeaways which have health impacts having regard to other land uses in the local area. Local Plan Policy EQ10 requires food and drink uses to meet three criteria. The second of these states that proposals should not result in unacceptable groupings of similar uses where they would harm the character of the area, the vitality and viability of a shopping parade or harm public health.
6. To address this, the SPD outlines that where there are less than 20 units in a centre or parade, no more than 1 unit of the specific use (i.e. one hot food takeaway and one betting shop) will be permitted. While a hot food takeaway was granted planning permission in 2016, this was not implemented. However, the shopping parade already has one hot food takeaway. Notwithstanding the potential food served, the development applied for would result in a further hot food takeaway within the parade that would lead to an over concentration of such uses in the parade. There is no mechanism before me to control what food or drink could be served. Such a restriction is unlikely to be reasonable as it would unduly restrict the business. It would also be difficult to precisely frame a condition around evolving business needs or food trends, and it would be difficult in practice to detect a contravention as menus can change regularly. The high number of commercial, business and service uses in the shopping parade does not change the conflict that the scheme would cause with the SPD as this is a further expectation for proposals to address.
7. The proposal could encourage greater gatherings of youths and potential anti-social behaviour which could affect the character, vitality and viability of this fully occupied and vibrant local shopping parade. The provision of CCTV may help but given the site's location and the deep pavement in front of the shopping parade, the potential of anti-social behaviour can't be ruled out.
8. The appeal scheme would not bring a vacant premise back into use. Added to this, the proposal would exacerbate the existing number of similar uses within the Derby ward and the adjacent Linacre ward which are already higher than the average across Sefton. Hence, the proposal would not help the health and wellbeing of the Borough's population which the Council is seeking to improve. The uptick in the delivery of items may only potentially widen the issue across a greater geographic area.
9. The site's location outside of the school exclusion zone does not change the harmful effects that the proposal would cause. Nor does the provision of adequate extraction equipment to deal with odours. I note the points about the Brownmoor Lane appeal decision, but I have considered the appeal scheme on its own planning merits.
10. Accordingly, I conclude that the proposal would harm the character of the area, the vitality and viability of the local shopping parade and public health. The proposal would conflict with Local Plan Policies EQ1 and EQ10, the SPD and paragraph 91c of the National Planning Policy Framework (the Framework). Jointly, among other things, these seek to appropriately locate hot food takeaways which have health impacts having regard to other land uses in the local area so that they do not result in unacceptable groupings of similar uses where they would harm the character of the area, the vitality and viability of a shopping parade or harm public health.

Other Matters

11. I have had regard to the appellant's concerns regarding the Council's handling of the planning application. However, this matter does not alter or outweigh my findings on the proposal before me, which I have considered on its merits.

Conclusion

12. The development proposal would help create new jobs which is a planning benefit. However, it would conflict with the Local Plan, the SPD and the Framework. These considerations clearly outweigh those relating to the employment benefits of the proposal.

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Mr Andrew McGlone

INSPECTOR



Appeal Decisions

Site visit made on 26 March 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal A: APP/M4320/W/20/3263556 **23 Waterfield Way, Litherland L21 9PY**

- 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 Gary Blood against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/0115, undated, was refused by notice dated 23 October 2020.
 - The development proposed is a single storey extension at side and rear.
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Appeal B: APP/M4320/C/21/3266384 **23 Waterfield Way, Litherland L21 9PY**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Gary Blood against an enforcement notice issued by Sefton Metropolitan Borough Council.
 - The enforcement notice was issued on 2 December 2020.
 - The breach of planning control as alleged in the notice is without planning permission and within the last four years, the erection of a single storey side and rear extension to the dwellinghouse as shown cross hatched on the attached plan.
 - The requirements of the notice are to demolish the single storey side and rear extensions as shown cross hatched on the attached plan and remove all materials arising as a result of the demolition works.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the Act).
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Decisions

Appeal A: APP/M4320/W/20/3263556

1. The appeal is dismissed.

Appeal B: APP/M4320/C/21/3266384

2. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal A and Appeal B - Background and Main Issue

3. In respect of Appeal A, planning permission was refused for the retention of a single storey side and rear extensions on the site. Drawing No LB071 Rev B shows a proposed front garage door instead of a front glazed patio door which

has instead been installed and two rear velux rooflights instead of an unbroken rear roof plane. In this respect, I shall deal with Appeal A on the basis that it is in part a retrospective proposal. In respect of Appeal B, which is an appeal proceeding on ground (a) of Section 174(2) of the Act (i.e. a deemed planning application), it relates to the single storey side and rear extensions that exist on the site now. This is the same development as refused in respect of Appeal A, but with the velux rooflights and the front patio door.

4. Notwithstanding the fact that the Appeal A and Appeal B developments are not identical, the main issue pertaining to both is the same. Indeed, I do not disagree with the Council that the Appeal A and Appeal B developments are proportionate in scale to the original semi-detached dwelling and that they are both acceptable in terms of their effect on the character and appearance of the area.
5. I have considered the Council's reason for refusing planning permission and its reason for issuing the enforcement notice. In this context, and given my other findings above, the main issue in respect of both appeals is therefore the effect of the developments on the living conditions of the occupiers of No 21 Waterfield Way in respect of outlook and light.

Appeal A and Appeal B - Reasons

6. I do not disagree with the Council that the rear extension, which projects about 3 metres alongside the common boundary with the neighbouring semi-detached dwelling, does not infringe the 45 degree line as outlined in the Sefton Council House Extensions SPD 2018 and that no significant harm is caused to the occupiers of this property in respect of privacy, outlook or light.
7. The side/rear extension projects about 6.8 metres from the rear elevation of No 21 Waterfield Way. The unauthorised extension is seen in the context of the original two storey gable elevation of No 23 Waterfield Way which already has some enclosing impact.
8. While the side/rear extension is single storey in height, a significant proportion of the wall and roof of the development is seen above the boundary fence when standing at the patio door/kitchen windows and garden area of No 21 Waterfield Way. The extension has been built in very close proximity to the boundary fence and owing to a combination of its significant length, changes in land levels and overall height, it has a materially enclosing and dominating impact when seen from the aforementioned areas.
9. In respect of No 21 Waterfield Way, there is no dispute between the parties that the side/rear extension would infringe the 45 degree guideline as outlined in the SPD. There is no objective evidence before me about the amount of general daylight the ground rear accommodation receives. However, it seems to me that given the staggered position of the two storey dwelling at No 23 Waterfield Way, a limited level of light is already afforded to part of the rear garden of No 21 Waterfield Way, for a significant period of the day. Given the height and close position of the side/rear extension, I consider that there has been an unacceptable increased loss of light to the rear windows and garden area of this neighbouring property. In this case, the rear garden area of No 21 Waterfield Way is not extensive and hence overshadowing for a large part of the day would be significant in the context that the occupiers of this property

would have limited alternative options in terms of finding a sunny area in which to sit or relax.

10. I therefore find that in respect of both the Appeal A and Appeal B developments, significant harm has been caused to the occupiers of No 21 Waterfield Way in respect of loss of outlook and light. Consequently, I conclude that in respect of both appeals, the developments fail to accord with the amenity requirements of Policy HC4 of the Sefton Local Plan 2017; the SPD and paragraph 127(f) of the National Planning Policy Framework.

Other Matters

11. I note the appellant's comment that the occupiers of the appeal property are at a disadvantage in terms of the application of policy given the position of the building relative to that of the neighbouring dwelling. While that may be the case, neither this, nor compliance with Building Regulations, justifies allowing harmful development in Planning terms.
12. I accept that the extension has been built in matching materials and is subordinate in scale to the house. However, acceptable design is a matter of neutral consequence in the overall planning balance and does not overcome my concerns relating to living conditions.
13. The appellant has referred me to other permitted extensions in the area where it is alleged that the circumstances are not dissimilar. I have not been provided with the precise details of these developments or indeed the exact circumstances which led to such extensions being permitted. In any event, I have determined these appeals on their individual planning merits.
14. None of the other matters raised alter or outweigh my conclusion on the main issue.

Conclusions

Appeal A: APP/M4320/W/20/3263556

15. For the reasons outlined above, I conclude that the development does not accord with the development plan for the area when considered as a whole. There are no material considerations which would outweigh the conflict with the development plan. Consequently, the appeal should be dismissed.

Appeal B: APP/M4320/C/21/3266384

16. For the above reasons, I conclude that the ground (a) appeal fails. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

D Hartley

INSPECTOR