

## Appeals Received and Decisions Made

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Appeals received and decisions made between [12 May 2021](#) and [08 June 2021](#)

## Appeal Decisions

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### [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:** Dismissed

**Decision Date:** 08/06/2021

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### [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:** Dismissed

**Decision Date:** 25/05/2021



## Appeal Decision

Site Visit made on 25 May 2021

**by F Rafiq BSc (Hons), MCD, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> June 2021**

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### **Appeal Ref: APP/M4320/D/21/3270063**

#### **39 Harebell Close, Formby, Liverpool**

- 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 J Hobbs against the decision of Sefton Council.
  - The application Ref DC/2020/01591, dated 13 August 2020, was refused by notice dated 16 December 2020.
  - The development proposed is a two storey and first floor extension to the side elevation.
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#### **Decision**

1. The appeal is dismissed.

#### **Main Issue**

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 41 Harebell Close with particular regard to daylight, sunlight and outlook.

#### **Reasons**

3. The appeal property is a detached house which is situated on a cul-de-sac that contains closely spaced dwellings. It is a two storey dwelling, with a single storey garage to one side. The proposal includes a first floor extension on part of the garage, with a two storey addition to the rear of the garage.
4. The neighbouring property, No. 41, has a kitchen window on its side elevation facing the appeal property. The appellant has set out that the passageway areas between the two dwellings are already shaded and there are tall, mature trees in the rear gardens of the appeal property and its neighbour at No. 41. However, despite the close sitting of the existing buildings and the presence of the trees, I was able to see at the time of my site visit in the morning, that No. 41's kitchen window receives direct sunlight for part of the day.
5. The proposal would bring a two storey built form close to the common side boundary with No. 41. I appreciate the neighbours' kitchen window already faces the original two storey gable of the appeal dwelling. However, the proposal would bring it closer to this window and would extend for a greater depth than the garage along the passageway that separates the appeal dwelling from No. 41. It would also be significantly taller than either the timber shed to the rear of the garage or the boundary fence.
6. Although the appellant considers that the kitchen window was never designed to have a visual outlook, the Council have identified this being the only window serving this room. I consider the proposal would appear dominant and visually

overbearing when viewed from the kitchen room served by this window and also result in a loss of light. Whilst the additional overshadowing created by the proposal may only be for part of the day, this would nevertheless have an unacceptable harmful effect on the living conditions of this neighbouring property's occupiers.

7. I therefore conclude that the proposal would have a detrimental impact on the occupiers of No 41 Harebell Close with reference to daylight, sunlight and outlook. As such, the proposal would be contrary to Policy HC4 of the Sefton Local Plan and the House Extensions Supplementary Planning Document, which seek to ensure, amongst other matters, that extensions and alterations are designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties.

### **Other Considerations**

8. The proposed development's visual appearance would have no adverse impact on the character of the streetscene. This is however a neutral consideration and not a benefit of the proposal.
9. Reference has been made to a similar impact that would likely arise if the appeal property was to be extended to the rear and side using permitted development rights. I have not however been provided with any further details of such a scheme.
10. The appellant has stated that he can reduce the height of the two trees in the appeal dwelling's garden which would increase the daylight to the side passage areas between the two properties. The proposal has also been amended to include a render to the side elevation to reflect natural light. Neither these matters, nor the relationship between other properties on Harebell Close, would overcome the harm that I have identified from the size and the proximity of the proposal to No. 41.

### **Conclusion**

11. For the reasons given above I conclude that the appeal should be dismissed.

*F Rafiq*

INSPECTOR



# Appeal Decision

Site Visit made on 18 May 2021

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 May 2021**

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**Appeal Ref: APP/M4320/D/21/3269181**

**1 Heather Close, Formby L37 7HN**

- 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 Anthony Corner against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2020/02369, dated 19 November 2020, was refused by notice dated 3 February 2021.
  - The development proposed is the erection of a boundary wall 900mm high with intermittent pillars at 1475mm and one at 1660mm.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A brick wall and brick piers have been erected around the front and side boundaries of the appeal site. The siting and layout of the wall and piers reflect the submitted plan. So does the height of the wall.
3. Despite the description of development set out on the planning application form, I consider the description found on the decision notice and the appellant's appeal form better reflect the scheme that is proposed and that which the Council considered. For clarity, the brick piers to the left of the entrance and at the corner next to Southport Road do not reflect the heights detailed on the submitted plan or the description of development. My findings therefore relate to this description of development which is set out above.
4. In addition to the submitted plans, there are two further brick piers on the flank boundary next to Southport Road. As these are not shown on the submitted plan or within the description of development on which the scheme was considered, I have not taken them into account in reaching my decision.

## Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

6. The appeal site is a corner plot at the junction of Heather Close and Southport Road near to the busy dual carriageway of Liverpool Road. Southport Road is a busy link from Liverpool Road to Freshfield and the centre of Formby. Heather Close and nearby roads are largely characterised by residential properties with a range of front and side boundary treatments. Despite the tall flank timber fence to 17 Heather Close, boundary treatments next to roads are generally of a low height and some properties have an open plan frontage.

7. The proposed brick piers would not be consistent with the design of other boundaries in the area due to their number or height. Even if I were to consider the principle of the style, form and finish appropriate in the context of the local area, the scale of the proposed brick piers, which are an integral part of the boundary, would not respond positively to the surrounding area. Hence, the proposal would fail to respect the character and appearance of the area as it would not be of a high-quality design. The proposal would be a discordant feature in the street scene on approach to the roundabout from Southport Road and the close. The ability to still see the property's front elevation would not change this. Nor would the proposal strike the right balance between security and its respect for the character of the area.
8. By reducing the height of the brick piers, the proposal could theoretically be permitted development. However, this would have a less harmful effect on the character and appearance of the area than the proposal. As such, it does not justify the appeal scheme. Nevertheless, it may be a matter to be discussed with the Council who have started enforcement proceedings. There are also no planning conditions suggested by either party that would make this otherwise unacceptable development acceptable.
9. Although the proposal would not conflict with criteria (2a), (2c), (2d) of Policy EQ2 of A Local Plan for Sefton (Local Plan), this is outweighed by my conclusion that the proposed development would harm the character and appearance of the area and would therefore conflict with Local Plan Policy EQ2 (1a), (2) and (3a), Policy ESD2 of the Formby and Little Altcar Neighbourhood Development Plan, the House Extensions Supplementary Planning Document and paragraph 127 of the National Planning Policy Framework. Together, these seek high quality design that responds positively to the character of its surroundings through scale and materials so that good quality boundary features are created.

### **Other Matters**

10. The appellant is undertaking improvements to their home which they are able to do, subject to either the works being permitted development or according with planning policy.
11. I note the concerns raised about the erection of a porch and the alleged encroachment onto Council owned land to the rear, but these matters lie outside the scope of this appeal and the Council are investigating these matters in any event.

### **Conclusion**

12. The appeal scheme conflicts with the development plan as a whole and there are no material considerations that indicate that I should take a different decision other than in accordance with this.
13. For the reasons given above I conclude that the appeal is dismissed.

*Andrew McGlone*

INSPECTOR