

Appeals Received and Decisions Made

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Appeals received and decisions made between 08 June 2021 and 09 July 2021

Appeal Decisions

Abbotsford Court 24 Abbotsford Road Crosby Liverpool L23 6UX

Reference: DC/2020/00455 (APP/M4320/W/21/3266992)

Erection of a fourth floor to accommodate 2 self-contained flats.

Procedure: Written Representations

Start Date: 02/03/2021

Decision: Dismissed

Decision Date: 30/06/2021

Highways Land Green Lane Thornton Liverpool L23 1TJ

Reference: DC/2020/01140 (APP/M4320/W/21/3267905)

Prior Notification Procedure for the installation of a 20 metre high streetworks column supporting 6 antennas, two 0.3m dishes and ancillary equipment, the installation of 2 equipment cabinets and development ancillary thereto

Procedure: Written Representations

Start Date: 22/03/2021

Decision: Dismissed

Decision Date: 23/06/2021

144 College Road Crosby Liverpool L23 3DP

Reference: DC/2020/01972 (APP/M4320/W/21/3266665)

Change of use from Retail (E(a)) to Cafe/ Hot Food Takeaway (Sui generis) (EXTENDED DEADLINE)

Procedure: Written Representations

Start Date: 02/03/2021

Decision: Dismissed

Decision Date: 22/06/2021

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: Dismissed

Decision Date: 09/06/2021

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

New Appeals

2A - 2D Curzon Road Waterloo Liverpool L22 0NL

Appeals received and decisions made between [08 June 2021](#) and [09 July 2021](#)

Reference: DC/2021/00382 (APP/M4320/W/21/3275607)

Change of use of redundant commercial space on first floor to residential to create 1 Flat (C3).

Procedure: Written Representations

Start Date: 02/07/2021

Decision:

Decision Date:

Liverpool Ramblers Football Club Moor Lane Thornton Liverpool L23 4TN

Reference: DC/2019/02088 (APP/M4320/W/21/3269994)

Outline planning application for the erection of 6 dwelling houses with associated gardens, car parking and access with all access and layout to be agreed all other matters reserved (appearance, landscaping and scale reserved for future consideration).

Procedure: Written Representations

Start Date: 23/06/2021

Decision:

Decision Date:

Liverpool Ramblers Football Club Moor Lane Thornton Liverpool L23 4TN

Reference: DC/2020/00423 (APP/M4320/W/21/3269995)

Layout of a car park on former tennis courts in replacement of existing parking facilities serving Liverpool Ramblers Football Club, layout of accessible bays adjacent to the clubhouse and alterations to the access track

Procedure: Written Representations

Start Date: 23/06/2021

Decision:

Decision Date:



Appeal Decision

Site visit made on 4 May 2021

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/M4320/W/21/3266992

Abbotsford Court, 24 Abbotsford Road, Crosby, Liverpool L23 6UX

- 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 Andrew Kelleher, York Montague Ltd, against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/00455, dated 10 March 2020, was refused by notice dated 17 July 2020.
 - The development proposed is described as two new one bedroom flats on the roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the Council refused prior approval¹ at the appeal site for a similar proposal. The appellant has had an opportunity to comment upon the decision and as such I have had regard to this in making my decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the host building and surrounding area, including the effect on trees and vegetation; and
 - Whether or not the proposed development would provide acceptable living conditions for future and existing occupants, having regard to the provision of private outdoor space.

Reasons

Character and appearance

4. Abbotsford Court is a three-storey block of flats with a flat roof, situated at the end of a cul-de-sac. The building is set back from the road behind a low wall and lawned area. To the rear of the building is a garage court which is accessed via a driveway and to the southern side of the site is a bank covered in trees and vegetation which slopes up to Mersey Road.

¹ DC/2021/00713

5. Abbotsford Road contains a mix of three storey blocks of flats and more traditional three-storey buildings. The blocks of flats are typical 1970's buildings. The parapets of the flat roof buildings and the eaves of the pitched roof buildings within Abbotsford Road are broadly consistent. In addition, both Homewood and Ingleside Court have a similar roofline, and are similar in design, to Abbotsford Court. Whilst some of the more traditional buildings are taller, they read as three storey buildings and are not bulky due to architectural detailing and their roof design.
6. The appeal site sits considerably lower than Mersey Road. The trees within the appeal site and surrounding area make a positive contribution to the character and appearance of the area. The trees to a degree screen Abbotsford Court but the building is visible from Mersey Road due to its height. The building would be more prominent in winter months when the trees are not in leaf.
7. The proposed fourth storey and steeply sloping sides of the roof would appear at odds with the three storey buildings and roof designs within Abbotsford Road. The additional floor and its roof design would unduly increase the scale, massing and bulk of the building. Due to the increase in height of the building, the proposed development would be conspicuous from the surrounding area and would result in an incongruous addition which would not reflect the existing roof designs or three storey buildings. The scheme would not be consistent with the prevailing height and form of neighbouring properties nor the overall street scene.
8. The Council are concerned that the scheme seeks to widen the access which would reduce the tree bank. The appellant asserts that no changes are proposed to the existing site layout and the existing tree line will not be affected by the access. They have clarified that it is not their intention to widen the access and have illustrated this on a plan. I am satisfied that this illustration indicates that any harm to those trees could be adequately prevented by suitably worded planning conditions. Therefore, I am satisfied that the scheme, in relation to trees and vegetation, would not cause significant harm to the visual amenity of the character and appearance of the site and surrounding area.
9. For the reasons given above, and having regard to paragraphs 118, 127 and 130 of the National Planning Policy Framework (the 'Framework') and based on the evidence submitted, the development would be visually harmful to the character and appearance of the host building and surrounding area. However, I do not consider that it would result in a significant loss of trees or vegetation.
10. Consequently, the scheme would conflict with Policy EQ2 (1a) and (3a) of A Local Plan for Sefton (2017) (LP) which seeks, amongst other matters, to ensure new development responds positively to the character, local distinctiveness and form of its surroundings through the quality of its design. Whilst there would be no conflict with Policies EQ2 (1c) and EQ9 (7) of LP which requires important landscape features to be retained and development must not result in unacceptable loss of, or damage to, existing trees, the proposal would conflict with the development plan taken as a whole.

Living conditions

11. The proposed development does not provide any new outdoor space for future or existing occupiers. The existing flats have limited useable private outdoor

- space due to the garage court, access to the garage court and the tree bank. To the front of the building is a communal outdoor space.
12. Occupiers of the new flats would only have access to the front lawn which is not private. The garage court and bank to the side would not provide high quality outdoor space. They would not provide an appropriate space due to their current function and topography. Although some existing occupiers have small balconies, there would be an increased pressure on the current front lawn. The outdoor space would not provide sufficient space for informal recreation, gardening, drying clothes and socialising for all of the existing and future occupiers.
 13. The Sefton Council's Flats and Houses in Multiple Occupation Supplementary Planning Document (2018) (SPD) sets out the minimum amenity space required and states that areas to the front of a building that are not private will not be included in the calculation. Both main parties agree that the current level of outdoor space, for the existing occupiers, does not meet the standards set out in the Council's SPD.
 14. The proposal would not comply with the 20sqm amenity space requirement per flat set out in the SPD. Furthermore, the substandard space is not considered private due to its location to the front. Nonetheless, the current communal outdoor space would provide existing and future occupiers with a degree of outdoor space.
 15. The SPD does point out that in limited exceptional circumstances a lower amount of amenity space may be accepted if it is not possible to meet the standards. The appellant suggests that domesticated additions such as balconies or roof terraces could result in an overbearing appearance. They also highlight that the site is constrained, not every resident wishes to have a garden and the new flats are not designed for families. In addition, I acknowledge that there are parks and Crosby beach nearby, but these amenities cannot provide private space in close proximity to the proposed flats.
 16. Although the existing outdoor space is substandard that should not be a reason to justify further inadequate outdoor space which would have a greater demand than the existing situation. The proposed development falls considerably short of the minimum standards.
 17. The considerations highlighted by the appellant do not outweigh the substandard private outdoor space and they have not clearly demonstrated why a lower standard should be accepted. Thus, the scheme would provide a substandard level of outdoor space and would increase pressure on the existing non-private space to the front of the building.
 18. For the reasons given above, and having regard to paragraph 127 of the Framework, the proposal would not provide acceptable living conditions for future and existing occupants, having regard to the provision of private outdoor space. Accordingly, the scheme would conflict with policy EQ2 (2e) of LP which seeks, amongst other matters, to ensure new development creates well-connected and attractive outdoor areas which fulfil their purpose well.

Other matters

19. The appellant considers that the Council's approach contrasts with the Government's desire to make effective use of land in sustainable locations and

utilising airspace. The appellant also states that the proposed development can be delivered quickly and provide much-needed local housing of a desirable mix.

20. I understand from the evidence presented that the Council can demonstrate a 5 year housing land supply. Therefore, this benefit carries very limited weight given the small scale of the development and the Council's housing land supply position. These considerations do not outweigh the harm identified above and the proposal's failure to comply with the policies of the development plan as a whole.
21. I have also taken into account that permitted development rights exist, which permits an additional storey above an existing building subject to limitations, and I have had regard to the potential fallback position².
22. The appellant asserts that the recently refused prior approval demonstrates that the Council now accepts that an additional storey can be accommodated at the site without any harmful impacts to the external appearance of the existing building. Whilst the Council did not raise the design and external appearance of the prior approval scheme to be a concern, it cannot be directly compared to the scheme before me as its design and siting differs.
23. The two main parties dispute whether an unacceptable level of private outdoor space can lawfully be used as a reason to refuse prior approval. Whether or not the prior approval application should have been refused for this reason or whether a similar proposal could be constructed using permitted development rights is not a matter for me to determine in the context of a Section 78 appeal.
24. In order for permitted development rights to be implemented, prior approval is required. Prior approval has been refused and therefore there is not a real prospect that the fallback position can be implemented and therefore I attach limited weight to this matter. In any event, even if the Council unlawfully refused prior approval, there are differences between the two proposals and the permitted development rights would not justify the scheme before me and outweigh the harm I have identified.

Conclusion

25. Although I have found that the proposed development would not have an unacceptable impact on trees and vegetation, the scheme would be visually harmful to the character and appearance of the host building and surrounding area and would not provide acceptable living conditions for future and existing occupants to which I attach significant weight. The benefits associated with two new flats would be small. The benefits in that respect do not outweigh the deficiencies that would arise as a result of the conflict with the development plan and there are no other considerations that outweigh this conflict.
26. For the reasons given above the appeal should be dismissed.

L M Wilson

INSPECTOR

² The appellant refers to the case of *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314



Appeal Decision

Site Visit made on 9 June 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/M4320/W/21/3267905

Highways Land, Green Lane, Thornton, L23 1TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Telefonica UK Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01140, dated 30 June 2020, was refused by notice dated 19 August 2020.
 - The development proposed is Installation of a 20m high street works column supporting 6 no. antennas, 2no. 0.3m dishes and ancillary equipment. The installation of 2no. equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The relevant provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have had regard to the policies of the development plan and related supplementary guidance only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on:
 - the character and appearance of the area, including the effect on the setting of designated and non-designated heritage assets; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is located on a large grass verge which fronts onto Green Lane, in a predominately residential area close to the edge of Thornton. The site, which follows a shallow bend in the road, contains several mature trees, and is bounded by a long, tall hedge along the southern boundary.
6. The surrounding area is suburban in character, and buildings are generally no more than two storey in height. In the main, the houses around the appeal site are set well back from Green Lane, as is the public house opposite. As a result, the area has an open and spacious feel, with the trees and vegetation on the wide grass verge contributing positively to the character of the area.
7. There are a number of existing vertical features in the area surrounding the site, including streetlights, telegraph poles and highway signs, as well as a telecommunications monopole on the grass verge. This existing mast is around 12.5 metres in height, and is of a simple design with shrouded antenna. Its low-key appearance, and siting close to two mature trees, means that the monopole is well screened and does not appear prominent in the streetscene. By comparison, the proposed 20m mast would be considerably taller than the existing trees and street furniture, and would be sited in a more open area, closer to the road frontages of Green Lane and Water Street. As a result, it would appear far more obvious within the streetscene than the existing equipment.
8. When viewed from further away, the surrounding trees and vegetation would provide screening, and the proposed mast would be seen in the context of the streetlamps and other vertical features in the area. However, the installation would be highly visible to passers-by on Green Lane and users of the footpath crossing the grass verge. I acknowledge that the height is the minimum necessary to meet the technical requirements, and that the equipment has been designed so as to minimise its visual impact, but the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate setting.
9. It is clear from comments made by the Parish Council and local residents that the site has significance to the community over and above its amenity function. The space is referred to as the Village Green, and is used for remembrance events and Christmas Tree lighting. Part of the area is already taken up by the existing telecommunications equipment, but the proposed mast and associated cabinets would result in additional clutter in a more central and open part of the site, which would reduce the space available for such community events. The installation would appear incongruous and overbearing to users of the village green, and would significantly detract from local community's ability to appreciate and enjoy this element of their local environment.
10. The site is located near to the Grade II listed stocks, cross base and sundial. The cross base is also a scheduled monument. These designated heritage assets are grouped together on the corner of Water Street and Green Lane, on what is now pavement but was formerly part of the village green. Whilst not visually prominent in the streetscene, these features are important in that they

provide a tangible link to the past and contribute to the understanding of the history of the local area.

11. On the other side of the site, on the corner of Green Lane and Rothwells Lane, is Lydiate Farmhouse, which is a simple, white rendered and slate roofed cottage with a brick outbuilding. The buildings are recorded in the Historic Environment Record as dating back to the eighteenth century, and are described by the Council as a non-designated heritage asset. The appeal site lies between these heritage assets and forms part of their wider setting, with the continuing role of the site as a village green providing context for the location of the designated heritage assets.
12. I acknowledge that the character of the area has been shaped by the generations of people who inhabit the area, and that telecommunications equipment is now a common feature of the built environment. The heritage assets are already viewed in the context of existing modern infrastructure such as street furniture and road signs. However, the proposed equipment would erode the open character of this area, which has historical value as a village green, and which continues to be a focus for community events to this day. In this way, the installation would cause a modest amount of harm to the setting of the listed buildings and scheduled monument.
13. I conclude that the siting and appearance of the proposed installation would cause harm to the character and appearance of the area, and as such conflicts with Policy EQ2 of the Sefton Local Plan (Local Plan) which requires that development responds positively to the character, local distinctiveness and form of the area. It would also cause modest harm to the setting of the designated heritage assets.

Living conditions

14. There are no houses which would face directly onto the mast. The semi-detached properties on the corner of Green Lane and Water Street look out towards the grass verge but views of the equipment would be from an oblique angle, and the mast would be seen amongst a number of road signs and street lights.
15. The mast would be visible from gardens of neighbouring properties, in particular the adjacent Vicarage, and from upper floor windows and gardens of properties on Calderdale Close. It would be a tall but narrow structure, and from these residences only the upper section would be visible above the existing trees. The siting of the mast would be such that it would be a reasonable distance from the nearest property, and it would be further away from the back garden of The Vicarage than the existing mast.
16. Although residents may not find it attractive, the mast would not appear overly dominant or overbearing from any neighbouring properties. As such, there would be no conflict with Local Plan Policy HC3 which seeks to protect the living conditions of neighbouring properties.

Other Matters

17. The existing slimline monopole, which provides 2G, 3G and 4G services on behalf of Telefónica UK and Vodafone UK, is not capable of being upgraded to provide 5G, so a new mast is required. To support both operators, a new 5G mast would need to be a much bulkier and larger structure, so the proposed

mast would operate on behalf of Telefónica only, whilst the existing monopole would be retained for Vodafone. In order to retain coverage, it is necessary to locate the proposed mast as close as possible to the existing structure, which is sited some 37m away.

18. I acknowledge that there are few tall buildings with flat roofs in the area, so the potential for siting the equipment on an existing building is limited, and that the presence of utility services and narrow verges reduces options for using highways land. The equipment needs to be located close to residential development, as that is where the demand originates, and I note the appellant's comment that the suggested location on Broom's Cross Road would be too far away. However, no clear evidence has been provided regarding any alternative options that have been explored or discounted that are closer to the existing site, but which might avoid the harm identified.

Planning balance

19. I have found that, owing to its siting and appearance, the proposal would cause harm to the character and appearance of the area. It would also cause a modest amount of harm to the setting of designated heritage assets.
20. The harm to the designated heritage assets is a matter to which I give great weight, as directed by paragraph 193 of the National Planning Policy Framework (the Framework). The harm would be less than substantial, and in applying the balancing test of Framework paragraph 196, I must weigh this harm against the public benefits of the proposal.
21. The installation would provide 5G coverage for the surrounding area, which would be of significant benefit to its users. The equipment would contribute to delivery of advanced, high quality and reliable communications infrastructure, which is recognised as being essential for economic growth and well-being in Framework paragraph 112.
22. Whilst recognising the significant benefits which the proposed equipment would provide, the evidence is insufficient to clearly demonstrate that there are no alternative sites available, which would cause less harm to the setting of the designated heritage assets, and to the character and appearance of the area, than that which I have identified. Consequently, the harm in this case would not be outweighed by the public benefits of the scheme.
23. The proposal would comply with International Commission on Non-Ionizing Radiation Protection standards and would not have an unacceptable impact on living conditions of neighbouring occupiers. However, this lack of harm is neutral in the planning balance.

Conclusion

24. For the reasons given, the appeal is dismissed.

R Morgan

INSPECTOR



Appeal Decision

Site visit made on 4 May 2021

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 June 2021

Appeal Ref: APP/M4320/W/21/3266665 **144 College Road, Crosby L23 3DP**

- 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 Tony Smith against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01972, dated 24 September 2020, was refused by notice dated 26 November 2020.
 - The development is described as proposed change of use from retail to cafe and hot food take away.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The ground floor of the appeal site currently relates to a retail unit which is located within a short terrace and is part of a larger group of shops.
4. The Council's Local Shopping Parades Survey (2012) identifies that the site is located within a local shopping parade and outlines the extent of the parade. The appellant has not submitted any substantive evidence to persuade me that the local shopping parade defined by the Council is inaccurate.
5. There are not currently any hot food takeaways within the terrace which the appeal site forms part of. Nevertheless, on my site visit I observed that there were four existing hot food takeaways within the local shopping parade. Two of these takeaways are in close proximity to the appeal site¹. Within the parade are also a range of commercial, business and service uses.
6. The Council's development plan policies seek to limit the number of hot food takeaways to reduce the potential problems arising from clustering and over-concentration of hot food takeaways. An unacceptable grouping of takeaways could harm the character of the area, the vitality and viability of a local shopping parade and harm public health. The analysis of whether there is an unacceptable grouping of hot food takeaways should be based upon the defined

¹ Momtaj and College Fryer

- local shopping parade rather than simply the terrace which the appeal site forms part of.
7. Based on the evidence presented, the existing number of hot food takeaways is currently above the 5% threshold set out in the Council's Control of Hot Food Takeaways and Betting Shops Supplementary Planning Document (2017) (SPD). The addition of a further hot food takeaway would result in an even greater concentration of this type of use along College Road. When considering the size of the parade, it already contains a relatively large number of hot food takeaways.
 8. A proliferation of hot food takeaways can harm the character of the area and undermine the vitality and viability of local parades. The appellant asserts that the proposal would increase the vitality and viability of the area by bringing into use a vacant unit. Nonetheless, on my site visit I observed that the unit was not vacant.
 9. The proposed development would result in the loss of a retail space. Given the existing takeaway units, particularly the two in close proximity, the proposal would result in a clustering of takeaways which would adversely affect the overall attractiveness of the parade. The inappropriate clustering would detract from the primary retail function of the parade and further unbalance the mix of uses. Accordingly, the proposed development would result in an unacceptable grouping of similar uses that would cause harm to the character of the area and undermine the vitality and viability of the shopping parade.
 10. The appellant contends that the Council does not define a healthy lifestyle or identify local well-being needs and hot food takeaways do not necessarily equate to an unhealthy lifestyle. However, I consider that too many hot food takeaways in an area may encourage unhealthy lifestyle choices for local residents. I understand from the Council's submission that levels of obesity are high within the Borough and the Council is seeking to improve the overall health and well-being of the population.
 11. Conversely there is little evidence before me to demonstrate that the proposal would help to improve the overall health and well-being of the local community. Thus, I consider that the proposed development would be an obstacle to healthy eating. The scheme would therefore result in an unacceptable grouping of hot food takeaways which would not promote healthy communities.
 12. The appellant considers that the proposal will enhance the services provided within the area, there is a need for the takeaway and the scheme would not impact the remaining shops. These arguments are to some extent anecdotal and are not supported by robust evidence.
 13. According to the Council's figures, which I have no reason to doubt, and bearing in mind what I observed on site, the exemptions set out in the SPD do not apply to this case as the vacancy rate of the parade is not above 20%. Furthermore, even if the unit was vacant, there is no evidence that the unit had remained vacant after being actively marketed for a minimum of one year, as required by the SPD.
 14. For the reasons given above, the proposal would be harmful to the character of the area, the vitality and viability of the local shopping parade and the health

and wellbeing of the local community. Consequently, it would conflict with Policies EQ1, EQ10 and ED2 of the Local Plan for Sefton (2017) which seek to ensure, amongst other matters, that hot food takeaways are appropriately located and do not result in an unacceptable grouping of similar uses where they would harm the character of the area and the vitality and viability of a parade.

15. Furthermore, the scheme would not comply with paragraph 91 c) of the National Planning Policy Framework which aims to achieve healthy places which enable and support healthy lifestyles especially where this would address identified local health and well-being needs, including access to healthier food. It would also be contrary to the SPD which seeks to ensure new hot food takeaways do not result in unacceptable groupings in order to promote healthy communities and maintain the character, vitality and viability of local shopping parades.

Other Matters

16. The appellant states that the Council did not use the SPD in determining the application. However, it is evident within the first reason for refusal and the Officer's Report that the Council did assess the scheme against the SPD.
17. The appellant also states that the scheme would provide acceptable levels of sound attenuation and odour control to satisfy the requirements of the Environmental Health Department. The reasons for refusal did not relate to these matters and any avoidance of harm in these respects does not amount to a positive consideration in support of the appeal.
18. In addition, the appellant asserts that no meaningful discussions took place prior to the decision being made. Nevertheless, this does not have any bearing on the proposal and in any event I have determined the appeal on its planning merits.

Conclusion

19. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict.
20. For the reasons given above the appeal should be dismissed.

L M Wilson

INSPECTOR



Appeal Decision

Site Visit made on 25 May 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2021

Appeal Ref: APP/M4320/W/21/3267600

Meadowcroft, 2 Old Rectory Green, Sefton Village, Liverpool, L29 6YD

- 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 Mrs Deborah Daley against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/02082, dated 9 October 2020, was refused by notice dated 16 December 2020.
 - The development proposed is the change of use from garden room to office for administration only.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The garden room is already in situ at the appeal property and is being used for the purpose for which planning permission is sought. I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of nearby dwellings, with particular reference to noise and disturbance.

Reasons

4. The business employs three people who do not reside at the appeal property. In addition, it is advised that the occupier of the property attends to the business as and when needed. The officer report further suggests that deliveries are expected on up to two occasions per week. Whilst home working is not an unusual occurrence, in particular in the circumstances of recent times, the level of activity associated with the appeal property exceeds that which could usually be expected at a residential dwellinghouse.
5. The appeal property is located within a residential area and is accessed by a road and driveway which leads past several other dwellings on Old Rectory Green. Brickwall Lane is a busy main road leading into Sefton Village and the settlements beyond it, and traffic movements along it contribute to the noise environment in the surrounding area. However, a number of the properties within Old Rectory Green that the movements would be close to are set back from Brickwall Lane and are screened to some degree from its noise and movements by the presence of other dwellings.

6. Vehicles arriving at and leaving the appeal property pass close to the front elevations of 3 and 4 Old Rectory Green and alongside the rear garden area of 1 Old Rectory Green. With three employees arriving and leaving on a daily basis, possibly on multiple occasions, in addition to deliveries and the non-business activity that will be associated with the dwelling, there is the potential for a great number of movements to take place, resulting in significant harm to the living conditions of the occupiers of nearby dwellings through noise and disturbance.
7. Even if hours of working were to be restricted by way of a planning condition, the number of movements to and from the appeal site, the method of transport used and the number of deliveries made during those times could not reasonably be controlled or enforced through a planning condition.
8. I note the representation made by the occupier of No 1 with respect to the impact on their property, however this does not overcome the matters of concern identified above or the impact upon those dwellings which share the driveway with the appeal property.
9. The development therefore has the potential to cause significant harm to the living conditions of the occupiers of the nearby dwellings through the noise and disturbance caused by movements to and from the appeal property in close proximity to the existing dwellings on Old Rectory Green. In conclusion, the proposal fails to accord with Policy HC3 of the Sefton Local Plan 2017, where it seeks to protect living conditions.

Conclusion

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

Graham Wraight

INSPECTOR



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: 8th June 2021

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