

Appeals Received and Decisions Made

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Appeals received and decisions made between 11 February 2022 and 25 March 2022

Appeal Decisions

31 Harbord Road Waterloo Liverpool L22 8QG

Reference: DC/2021/01455 (APP/M4320/D/21/3288465)

Erection of a single storey extension to the rear of the dwellinghouse, after demolition of existing conservatory

Procedure: Householder Appeal

Start Date: 17/01/2022

Decision: Dismissed

Decision Date: 18/03/2022

27 Fell View Southport PR9 8JX

Reference: DC/2021/01858 (APP/M4320/D/21/3289692)

Erection of a fence in the rear garden (retrospective completed 27/04/2021).

Procedure: Householder Appeal

Start Date: 21/01/2022

Decision: Dismissed

Decision Date: 11/03/2022

77 Cherry Road Ainsdale Southport PR8 3SF

Reference: DC/2021/01572 (APP/M4320/D/21/3284835)

Erection of 1660mm high boundary timber fencing to the front and both sides including pillars and gates to the front of the dwellinghouse (retrospective completed 10/05/2021).

Procedure: Householder Appeal

Start Date: 13/12/2021

Decision: Dismissed

Decision Date: 10/03/2022

7 Claremont Avenue Maghull Liverpool L31 8AD

Reference: DC/2021/01099 (APP/M4320/D/21/3284892)

Erection of a two storey extension to the side, single storey extension to the front and first floor extension to the side and rear of the dwellinghouse.

Procedure: Householder Appeal

Start Date: 22/12/2021

Decision: Allowed

Decision Date: 11/02/2022

New Appeals

Site Of Former Royal British Legion 326 Liverpool Road South Maghull L31 7DJ

Reference: DC/2020/00418 (APP/M4320/W/21/3284528)

Erection of Retirement Living Housing of 44 residential units (Category II type accommodation) with associated communal facilities, landscaping and car parking following the demolition of the existing building

Procedure: Written Representations

Start Date: 17/03/2022

Decision:

Decision Date:

77 Scarisbrick New Road Southport PR8 6LJ

Appeals received and decisions made between [11 February 2022](#) and [25 March 2022](#)

Reference: EN/2022/00021 (APP/M4320/C/22/3293859)

Appeal against Construction of an outdoor swimming pool and retractable enclosure which is being used to provide swimming lessons which constitutes a material change of use and is not incidental to the enjoyment of the dwellinghouse

Procedure: Written Representations

Start Date: 24/03/2022

Decision:

Decision Date:

[Poplar Lodge 15B Green Lane Formby Liverpool L37 7DJ](#)

Reference: DC/2021/01434 (APP/M4320/D/22/3294584)

Erection of a two storey extension to the side following demolition of the existing side extension/garage, porch to the front and first floor extension to the rear of the dwellinghouse in addition to alterations to the roof to form a double-pitch

Procedure: Householder Appeal

Start Date: 18/03/2022

Decision:

Decision Date:

[24 Poplar Avenue Crosby Liverpool L23 2SU](#)

Reference: DC/2021/01901 (APP/M4320/W/21/3288938)

Change of use of existing residential annexe to separate dwellinghouse, together minor changes to glazing to both annexe and main house.

Procedure: Written Representations

Start Date: 15/03/2022

Decision:

Decision Date:



Appeal Decision

Site visit made on 3 March 2022

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2022

Appeal Ref: APP/M4320/D/21/3288465

31 Harbord Road, Waterloo L22 8QG

- 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 Kris Paton against the decision of Sefton Council.
 - The application Ref DC/2021/01455, dated 25 May 2021, was refused by notice dated 14 September 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of the occupier(s) of No. 33 Harbord Road with particular regard to outlook and access to natural light.

Reasons

3. The appeal relates to a traditional semi-detached dwelling. The pair of attached dwellings each have an outrigger projecting a modest distance from the outer sections of their rear elevations. I understand that a conservatory has recently been removed from inner section of the rear elevation of the appeal dwelling.
4. The submitted plans show the previous conservatory replaced with a single storey extension which would span almost the full width of the dwelling, set off the common boundary with the attached dwelling, No. 33 Harbord Road, by some 250mm. At about 6 metres deep, the proposed extension would project much further along this boundary. The level of projection proposed would exceed the '45 degree plus 3 metres' standard endorsed the Council's adopted Supplementary Planning Document titled '*House Extensions*' (SPD).
5. Although the roof of the proposed extension would rise away from the shared boundary, the eaves would sit well above the existing fence. Given the overall height of the extension and the considerable projection from the main rear elevation of No. 33, I consider that the effect would be overly dominant and oppressive when seen from the nearest ground floor room at the back of this property and also from the closest part of its rear amenity area.
6. I am mindful that planning permission has been granted for an alternative single storey rear extension at the appeal property since this proposal was rejected by the Council. However, the approved scheme essentially cuts off

the corner of the extension closest to the boundary with No. 33 in order to comply with the design guidance outlined within the SPD. As a result, the effect would be less overbearing on this property than the scheme before me.

7. The Council has also raised concern that the proposed extension would unacceptably impact on the levels of natural light available to the rear of No. 33 Harbord Road. However, bearing in mind the fact that the rear amenity spaces of these attached dwellings face north-west, I am satisfied that the effect in such terms would not be materially greater than that of the previous conservatory, even accounting for the fact that it was not as deep, or indeed, the approved scheme that I have referred to above.
8. I note the occupier of No. 33 Harbord Road has expressed support and I am satisfied that the proposed extension would not lead to an unacceptable reduction in the levels of natural light available to this attached property. Nevertheless, I conclude that proposed extension would unacceptably harm the outlook from it. In such terms, the proposal conflicts with policy HC4 of the adopted Sefton Local Plan and the SPD, which seek to safeguard appropriate levels of residential amenity.
9. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

David Fitzsimon

INSPECTOR



Appeal Decision

Site visit made on 8 March 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2022

Appeal Ref: APP/M4320/D/21/3289692

27 Fell View, Southport PR9 8JX

- 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 M Lloyd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01858 dated 17/07/2021, was refused by notice dated 15/10/2021.
 - The development proposed is erection of fence in the rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, the proposed fence was in place. The application made clear that the scheme had been submitted retrospectively and I have dealt with the appeal on that basis.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area and the living conditions of the occupiers of No. 25 Fell View.

Reasons

4. The development comprises a timber fence with structural supports along the shared boundary with No. 25 Fell View. The land levels of the appeal site garden and adjacent properties fall towards the watercourse at the rear of the properties.
5. The fence is at a consistent height along the majority of the shared boundary. Due to the fall in levels the height of the fence is visually dominant and at odds with the open waterside views. The fence between the appeal site and No. 27 decreases in height and follows the fall in land levels, I observed other boundary treatments in the area also decreased in height closer to the watercourse.
6. The robust aluminium structural supports are clearly visible when the development is viewed from the neighbouring garden, No. 25, and give a non-domestic appearance to the fence. This combined with the overall height of the

fence is incongruous to the area, oppressive and stark to the occupiers of the neighbouring property.

7. Whilst I recognise that a decking area and garden building are located within the rear garden of No. 25 close to the shared boundary, I am not persuaded that the development before me is the only solution to provide privacy for the residents of the appeal property.
8. I find that the fence is dominant and detracts from the open nature of the area. I conclude that the proposed development harms the character and appearance of the area along with the living conditions of the occupiers of No. 25 Fell View.
9. There is conflict with A Local Plan for Sefton (2017), Policies EQ2 and HC4 which seek amongst other things to ensure development responds positively to the character and form of an area whilst protecting living conditions of occupiers of neighbouring properties. There is conflict with the House Extensions, Supplementary Planning Document (2018) which seeks to ensure such structures respect the character and design of an area and neighbouring properties.
10. There is also conflict with the Framework which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Conclusion

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

C Pipe

INSPECTOR



Appeal Decision

Site visit made on 8 March 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2022

Appeal Ref: APP/M4320/D/21/3284835

77 Cherry Road, Ainsdale, Southport PR8 3SF

- 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 Chantelle Power against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01572 dated 15/06/2021, was refused by notice dated 10/09/2021.
 - The development proposed is erection of 1660mm high boundary timber fencing, pillars and gates to the front and side boundaries of the dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development for the proposed development, contained within the application form, I have reworded the description to clearly and concisely describe the proposal.
3. The application made clear that the scheme had been submitted retrospectively however, at the time of my site visit, the proposed development was not in place.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and Appearance

5. The development comprises a timber fence with gates enclosing the front amenity space of the appeal site. The rear garden is screened from view by a substantial boundary wall and side gate. The proposed fence would be located behind the existing low wall and include wide gates allowing vehicular access.
6. The appeal site is located on the corner of Cherry Road and Woodvale Road. Whilst I observed other high boundary enclosures to the front of properties within the immediate area, none were comparable to this prominent corner plot. The overall height and extent of the boundary enclosure would be a dominant and incongruous addition to the streetscene.

7. The appellant has confirmed that the appearance of the boundary enclosure could be enhanced, for instance with staining, this would not outweigh the harm I have identified.
8. I conclude that the proposed development would harm the character and appearance of the area. There is conflict with A Local Plan for Sefton (2017) (the Local Plan), Policy EQ2 which seeks amongst other things to ensure development responds positively to the character and form of an area.
9. There is also conflict with the National Planning Policy Framework (2021) (the Framework) which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Highway Safety

10. The Council confirm in the Officer Report that whilst the proposed development does not include a visibility splay for the vehicular access, this could be overcome through the imposition of conditions. I note that the Highways Development Design Team does object to the scheme.
11. Representation was received from a third party highlighting that the gates opened out into the footpath, this would cause an obstruction however the opening of gates could be controlled by the imposition of a planning condition.
12. I find that the proposed development subject to conditions would not harm highway safety. There is no conflict with Policy EQ2 of the Local Plan which seeks amongst other things to ensure developments have safe and easy access.
13. The proposed development would not be contrary to the Framework which seeks to protect highway safety.

Other Matters

14. The appellant has highlighted that the proposed development is required due to personal circumstances. I have had regard to the comments raised in the grounds of appeal and application in relation to safety and welfare issues along with the letters of support provided by Occupational Therapy and a teacher at the occupants SEN school. However, limited information has been provided to confirm that need for the development and that the existing rear garden which appears to be secured by a high boundary enclosure is not suitable or that an alternative development could not be provided to meet the needs of the occupants.
15. My attention has been drawn by the appellant to a number of boundary enclosures within the borough. Substantive details have not been provided other than photographs. Whilst the enclosure examples are adjacent to a highway and appear to be at a height above 1metre I cannot accurately assess these against the proposal before me. In any event each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

Conclusion

16. Whilst I have concluded that the proposed development would not harm highway safety, this does not outweigh the harm I have identified in terms of the character and appearance of the area.

17. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR



Appeal Decision

Site visit made on 8 February 2022

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/M4320/D/21/3284892

7 Claremont Avenue, Maghull L31 8AD

- 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 Jane Maloney against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01099, dated 26 April 2021, was refused by notice dated 4 August 2021.
 - The development proposed is a single storey front, two storey side, and first floor side and rear extensions to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for is a single storey front, two storey side, and first floor side and rear extensions to dwelling at 7 Claremont Avenue, Maghull L31 8AD in accordance with the terms of the application, Ref DC/2021/01099, dated 26 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 21012/01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. This is the effect of the proposal on the character and appearance of the area.

Reasons

3. The property is a 2 storey semi-detached house located on a tree lined residential street, containing predominantly 2 storey semi-detached houses of varying styles. The proposal is for a 2 storey side and rear extension with a single storey front extension. The 2 storey side extension would maintain a gap of around 750mm from the boundary with the neighbouring dwelling, projecting around 1.8m from the side wall. The gap retained between properties would ensure a modest separation, taking account of the spacing between buildings. Thus, the gap would safeguard against the linking of properties or a "terracing effect".

4. Additionally, whilst the proposal does not include a reduction in the ridge height or a set back, as advocated by the guidance in the House Extensions Supplementary Planning Document (June 2018) (SPD), it would be unnecessary in this instance. This is because the projection to the side is small and subservient in comparison to the dwelling, such that there is no requirement to reduce the impact of the extension. The angle and shape of the roof would match the existing property, resulting in a simple, congruent and sympathetic addition to the original dwelling and surrounding street. Also, there would be no issue with bonding of materials, given the proposal would be rendered at the first floor to match the existing walls.
5. Moreover, several dwellings in the street have 2 storey side extensions of varying designs, most containing a set back from the front elevation. Of these however, many project to the side boundary, resulting in several adjoining 2 storey side extensions with awkward roof junctions in places. This means that there is no gap between properties, and despite the Council's assertions, these conjoined extensions inevitably create a terracing effect. The gap to the side boundary in this proposal would prevent this from occurring.
6. Consequently, the proposal would have an acceptable effect on the character and appearance of the area. This would be compliant with Policies HC4 and EQ2 of A Local Plan for Sefton (April 2017), and Policy MAG 4 of the Maghull Neighbourhood Plan 2017-2037 (January 2019). Together these policies require the size and scale of extensions to be in keeping with the original dwelling and surrounding area and that developments make a positive contribution to their surroundings through the quality of their design, respecting the distinctive characteristics.
7. Furthermore, there would be compliance with the Framework which seeks to ensure that developments are sympathetic to local character and history. Lastly, there would be overall compliance with the SPD, which sets out principles and standards that house extensions should meet to prevent harm to the character of the area.
8. The appeal decisions detailed in the officer report provides little information about the specific design of the other proposals, and I have considered this case upon its merits only.

Conclusion

9. For the reasons set out above, I conclude that the appeal should be allowed.

Katie McDonald

INSPECTOR