

APPENDIX

Committee: PLANNING

Date Of Meeting: 15th September 2010

Title of Report: TOWN AND COUNTRY PLANNING ACT 1990 APPEALS

Report of: A Wallis Planning and Economic Regeneration Director

Case Officer: Telephone 0151 934 4616

This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

Purpose of Report:

To advise Members of the current situation with regard to appeals. Attached is a list of new appeals, enforcement appeals, developments on existing appeals and copies of appeal decisions received from the Planning Inspectorate.

Recommendation(s):

That the contents of this report be noted.

Corporate Objective Monitoring

Corporate Objective	Impact		
	Positiv e	Neutra l	Negati ve
1 Creating A Learning Community		✓	
2 Creating Safe Communities		✓	
3 Jobs & Prosperity		✓	
4 Improving Health & Well Being		✓	
5 Environmental Sustainability		✓	
6 Creating Inclusive Communities		✓	
7 Improving The Quality Of Council Services & Strengthening Local Democracy		✓	

Financial Implications

None.

Departments consulted in the preparation of this Report

None.

List of Background Papers relied upon in the preparation of this report

Correspondence received from the Planning Inspectorate.

Appeals Received and Decisions Made

From 05 August 2010 to 01 September 2010

Decisions

17 Silver Birch Way, Lydiate

S/2010/0536 - APP/M4320/D/10/2131328

Alterations to the roof to form a gable to the side and erection of dormer extensions to the front and rear of the dwellinghouse

Appeal Type: Written
Lodged Date: 02/07/2010
Decision: Allowed
Decision Date: 09/08/2010

New Appeals

The Walnut Tree 19 Orrell Road, Bootle

S/2010/0464 - APP/M4320/A/10/2133574/NWF

conversion of the existing public house into 1 dwelling on the ground floor and 2 self-contained apartments to the first floor, including storage and parking of commercial vehicles in the car park area to the side and new boundary walls and access gates to the front/side

Appeal Type: Written
Lodged Date: 09/08/2010
Decision: PENDING
Decision Date: 09/08/2010

New Appeals (Enforcement Appeals)

2 Johnson Street, Southport

2133513 - CLB/ENF0379

Domestic - balcony

Appeal Type: Written
Lodged Date: 20/08/2010
Decision:
Decision Date:



Appeal Decision

Site visit made on 27 July 2010

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
9 August 2010

Appeal Ref: APP/M4320/D/10/2131328

17 Silver Birch Way, Lydiate, Merseyside L31 4DT

- The appeal is made by Anthony Johnson under section 78 of the Town and Country Planning Act 1990 against a refusal by Sefton Metropolitan Borough Council to grant planning permission.
- The application Ref S/2010/0536, dated 27 April 2010, was refused by notice dated 1 June 2010.
- The development proposed is a loft conversion with front and rear dormers and alterations to the roof to form a side gable.

Decision

1. I allow the appeal and grant planning permission for a loft conversion with front and rear dormers and alterations to the roof to form a side gable at 17 Silver Birch Way, Lydiate, Merseyside L31 4DT in accordance with the application Ref S/2010/0536 dated 27 April 2010 and the plans submitted therewith, subject to the following conditions: -
 1. The development shall begin not later than 3 years from the date of this decision.
 2. The development shall be carried out in accordance with the approved plans, Nos GD 01, GD 02, Roof Plan and Site Plan.
 3. The materials used in the construction of the external surfaces of the development shall match those used in the existing building.

Reasons for the decision

2. The main issue is the effect the development would have on the appearance of the bungalow and its surroundings.
3. The bungalow has a hipped main roof, a single-storey rear extension with a flat roof and a hipped-roofed conservatory beyond the extension. The proposed development involves the construction of a hip-to-gable extension to the main roof, a flat-roofed rear dormer and a front dormer with a pitched roof.
4. Policy MD1 of the Sefton Unitary Development Plan deals generally with all house extensions. Pages 13 to 14 of the Council's House Extensions guidance contain specific advice about dormer extensions.
5. The bullet points on page 13 set out seven specific guidelines applicable to the rear dormer. It would comply with the first, third, fifth and last of these. The second indicates that it should be set back 1m behind the main rear wall; the fourth is an observation that two dormers may be better than one large one

- and the sixth indicates that the dormer's windows should complement existing windows. These three guidelines have little application to the situation here, where the original rear wall has been removed and the extension and the conservatory have been added with their own patterns of roof and fenestration.
6. The seven guidelines also apply to the front dormer. In addition, there is a specific section dealing with front dormers, accompanied by illustrations. This indicates that their scale and design should not harm the appearance of the property or the street scene and that generally they should not normally take up more than one third of the roof area. The 'Main Aims' section indicates that the existence of other front dormers in the street and area will be significant.
 7. The front dormer would comply with the first, second, third, fifth and last of the guidelines. As to the fourth, the effect on the appearance of the house and its surroundings would be little different if two smaller front dormers were built. Compliance with the sixth is not practicable, since the existing fenestration at the front consists of a bay window on one side and a small window next to the door on the other side.
 8. There are other front dormers in Silver Birch Way and in the wider area. At my visit, I saw front dormers at 3, 5, 21, 35 & 62 Silver Birch Way, 12 Birchfield Way and 12, 20, 22, 24 & 26 Pilling Lane. They vary in size and style. Most of them appeared to be additions to the original properties.
 9. The front dormer proposed in this appeal would take up only slightly more than one third of the roof area and its size and design would be in keeping with others I saw. It would meet the guidelines' overall objective of minimising the effect on the appearance of the property and the street scene.
 10. Criteria (a) and (b) of Policy MD1 of the Unitary Development Plan set exacting standards for house extensions, by requiring them to be of a minor size, scale and mass and to have a design and appearance that harmonises with the existing dwelling. However, the Plan states that the House Extensions guidance provides advice about these matters and that Policy MD1 will be implemented with particular reference to the guidance. The development proposed would be in conformity with the salient parts of the guidance and it is reasonable to conclude therefore that it would not conflict with the policy.
 11. For the reasons given, I conclude that the impact of the development on the appearance of the bungalow and its surroundings would be acceptable. I have therefore allowed the appeal and granted planning permission. The reasons for the conditions I have imposed are 1. standard condition, 2. in the interest of efficient development control and 3. to ensure that the development has a satisfactory appearance.

D.A.Hainsworth

INSPECTOR