

# **Appeals Received and Decisions Made**

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Appeals received and decisions made between 12 June 2023 and 09 July 2023

# **Appeal Decisions**

# 9 Birch Green Formby Liverpool L37 1NG

Reference: DC/2021/02292 (APP/M4320/D/22/3308137) Procedu

Erection of a first floor extension over the existing garage to

the side of the dwellinghouse.

Procedure: Householder Appeal

Start Date: 10/02/2023

Decision: Allowed

Decision Date: 23/06/2023

# 1A Devonshire Road Brighton Le Sands L22 2AJ

**Reference:** DC/2022/00099 (APP/M4320/W/22/3305017)

Change of use from office (B1) to dwelling (C3). (Alternative to

DC/2021/01669).

Procedure: Written Representations

Start Date: 30/03/2023

**Decision:** Dismissed

**Decision Date:** 20/06/2023

# 6A - 6B The Cloisters Halsall Lane Formby L37 3PX

Reference: DC/2021/01831 (APP/M4320/W/22/3311668) Procedure: Written Representations

Change of use of the existing first-floor commercial space from a gym (E) to 8 self-contained flats (C3) including external Dismissed

alterations.

Decision Date: 16/06/2023

# **New Appeals**

## 18 Avondale Road Southport PR9 0ND

Reference: DC/2022/01460 (APP/M4320/W/23/3318186) Procedure: Written Representations

Variation of conditions 3, 4 and 5 pursuant to planning permission N/2004/0467 approved 22/06/2004 to allow up to 36 children/babies to attend the nursery, installation of a fire

escape and reduction in the permitted hours of business.

Decision Date:

# 1 Oulton Close Lydiate Liverpool L31 4JX

Reference: DC/2023/00147 (APP/M4320/D/23/3323991) Procedure: Householder Appeal

Erection of a single storey extension to the rear of the Start Date: 06/07/2023

dwellinghouse. Decision:

**Decision Date:** 

# **Appeal Decision**

Site visit made on 28 March 2023

#### by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> June 2023

## Appeal Ref: APP/M4320/D/22/3308137 9 Birch Green, Formby, Liverpool L37 1NG

- 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 D Sixsmith against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2021/02292, dated 20 September 2021, was refused by notice dated 27 July 2022.
- The development proposed is the erection of a first-floor extension over the existing garage to the side of the dwelling house.

#### **Decision**

- 1. The appeal is allowed, and planning permission is granted for the erection of a first-floor extension over the existing garage to the side of the dwelling house at 9 Birch Green, Liverpool L37 1NG in accordance with the terms of the application, Ref DC/2021/02292, dated 20 September 2021, and the plans submitted with it, subject to the following conditions:
  - 1. The development hereby permitted shall begin no later than three years from the date of this decision.
  - 2. The development hereby permitted shall be carried out in accordance with the approved plans Ref: Location Plan, Proposed 1<sup>st</sup> Floor Plan (Rev A), Proposed Front West Elevation (Rev A), Proposed Rear (East) Elevation (Rev A), Proposed Roof Plan (Rev A), Combined Site and Block Plan (Rev A) and Proposed Side Elevation (Rev A).
  - 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.
  - 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the side elevation of the extension hereby approved.

#### **Main Issue**

2. The main issue is the effect of the appeal proposal on the existing living conditions of the occupiers of No 7 Birch Green, with particular regard to outlook.

#### Reasons

- 3. The appeal property is located within the well-established 'Primarily Residential' part of Formby as defined by the Sefton Local Plan ("the Local Plan"). This area is characterised by a mixture of 2 storey houses and bungalows, some of which have previously been extended. Properties in this part of Birch Green are 2 storey detached houses, set back from the street within generous plots.
- 4. Neighbouring No 7 Birch Green has a large dormer in its roof plane facing the appeal site. This has been evidenced as being part of a side extension to that property. This dormer contains a couple of first floor bedroom windows. The existing outlook from both of these bedroom windows is directly onto the 2-storey brick wall and roof slope which forms the side elevation of No 9. The Council has calculated the existing intervening distance between these, and the first floor of the appeal property is around 8 metres. Consequently, the direct outlook from this part of No 7 is already heavily compromised. However, oblique views of No 9's garden areas and the properties beyond can be captured from these windows and provide some visual relief.
- 5. The appeal property has a ground floor flat roofed side extension which runs up to and along the boundary with No 7. The appeal proposal is a first-floor bedroom and en-suite addition above the front section of that extension. It would extend back to a mid-way point on that existing side elevation, with windows to the front and rear only. The proposed extension would incorporate a hipped roof at a right angle to and lower than the main roof of the house. The main parties have calculated that the intervening distance between the side elevations of Nos 7 and 9 would be reduced to approximately 3.7 metres.
- 6. The existing intervening separation distance falls short of the 12-metre distance specified in the Council's current House Extensions Supplementary Planning Document ("the SPD"). The appellant has provided other examples of where even lesser intervening distances exist in the locality. However, it is unclear whether these examples predate the current local policy framework. Furthermore, both Policy HC10 and the SPD rely on a site-specific assessment to be made of the effects of the particular proposal. Hence, I give no weight to these examples.
- 7. Following the erection of the appeal proposal, the direct outlook of the forward most dormer bedroom window of No 7 would remain as a brick wall and roof slope, albeit at a closer distance to that which exists currently. Crucially, the outlook from the rearward side dormer window would remain unchanged because of the offset position with the appeal proposal. Furthermore, the potential for oblique views towards the front and rear gardens of No 9 would remain.
- 8. Consequently, the level of change which would be experienced would be slight and not unduly overbearing in comparison to the existing situation. Furthermore, in line with paragraph 2.6 of the SPD, the appellant's evidence demonstrates that no unreasonable degree of further shadowing of No 7 would occur throughout the year. Moreover, subject to a planning condition to control the insertion of any windows in the proposed side elevation, existing levels of privacy between the 2 properties would not be reduced.

- 9. Overall, the proposed change to the existing level of outlook from these 2 existing dormer windows would not represent a significant reduction in the existing living conditions of the occupants of No 7.
- 10. Therefore, the appeal proposal would not harm the existing living conditions of the occupiers of No 7 Birch Green, with particular regard to outlook.
- 11. The SPD states that extensions that do not meet the 12-metre separation distance will only be permitted in exceptional circumstances. Paragraph 1.18 of the SPD confirms that the dimensions stated in it are guidance. At paragraph 2.4 the SPD states that there should be no significant reduction in living conditions of neighbouring properties. In view of the insignificant level of change which would occur, the particular appeal proposal does not conflict with the intent of this guidance to safeguard living conditions.
- 12. Policy HC4 of the Local Plan requires extensions and alterations are designed so that there will be no significant reduction in the living conditions of the occupiers of neighbouring properties. Amongst other things, it states that extensions must not result in a loss of outlook from main windows of neighbouring habitable rooms, cause a significant loss of privacy or light, or cause overshadowing or overbearing effects for neighbours. Given the proposed level of change that would arise, there is no conflict with this policy. Moreover, there are no other matters before me that indicate that the proposal conflicts with the development plan when taken as a whole.

#### **Conditions**

13. In the context of the tests set out in paragraph 56 of the Framework, in addition to the standard time limit condition, a condition specifying the approved plans would be necessary for the avoidance of doubt and in the interests of certainty. A condition requiring the use of matching materials would be necessary in the interests of attaining an acceptable appearance. A condition would also be necessary to control the insertion of any windows in the side elevation of the appeal proposal in the interests of safeguarding existing privacy levels.

#### **Conclusion**

14.	For the re	asons g	jiven	above,	subject to	the ab	ove con	ditions I	conclude	that
	the appea	l should	d be a	llowed.	•					

C Dillon

**INSPECTOR** 

# **Appeal Decision**

Site visit made on 6 June 2023

#### by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

# Appeal Ref: APP/M4320/W/22/3305017 1A Devonshire Road, Brighton Le Sands L22 2AJ

- 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 Pete Tierney against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2022/00099, dated 18 January 2022, was refused by notice dated 29 March 2022.
- The development proposed is change of use from office to two bed dwelling house.

#### **Decision**

1. The appeal is dismissed.

#### **Main Issue**

2. The main issue in respect of this appeal is the effect of the proposed development upon the living conditions of future occupiers with particular regard to outlook, daylight and sunlight and the provision of outdoor amenity space, and existing neighbouring residents in respect of overlooking.

#### Reasons

Living Conditions of Future Occupants

Outlook, Daylight and Sunlight

- 3. The ground floor living space of the proposed dwelling would be open plan and served by a number of essentially existing openings. However, the window in the north-eastern elevation would be predominantly high-level, the glazed door and window to the south-eastern elevation would be beyond the enclosed hallway, and the window and glazed door within the south-western elevation would be in severe proximity to the boundary fence, and close to the 3-storey building beyond.
- 4. Whether or not the property would amount to a small starter home, the outlook from the proposed ground floor living space would be exceptionally dismal, with inferior and enclosed living conditions for the future occupiers. In the absence of any substantive evidence to the contrary, for example a daylight and sunlight assessment, I cannot be certain that the amount of daylight and sunlight received by the ground floor windows due to their position and orientation as described above, would be sufficient to prevent gloomy living conditions for the main living space. Direct sunlight is likely to be particularly limited, especially in winter months when the sun is lower in the sky, given the proximity of neighbouring development. Thus, the outlook and light levels

would be compromised, producing inadequate living conditions for the future occupiers.

#### Private Garden Space

- 5. Policy EQ2 of A Local Plan for Sefton 2017 (LP) requires new development to achieve a high quality of design that protects the amenity of those within the site. In addition, the National Planning Policy Framework (the Framework) advises that developments should create places that have a high standard of amenity for future users that promote health and well-being. It is therefore reasonable to expect that the occupants of a new dwelling, even one created through conversion, would have access to a good quality private outdoor area, enabling the proper functioning of its use.
- 6. The external garden area for the proposed dwelling at just 9sqm would be measly, particularly given that part of the space would be required for bin storage. This would be significantly below the 50sqm minimum standard required by the Council's New Housing Supplementary Planning Document 2018 (SPD), which provides detailed guidance on how Policy EQ2 of the LP is to be implemented.
- 7. The SPD advises that there may be instances where sufficient private outdoor space cannot be achieved, but that this would be in limited exceptional circumstances, including where site constraints mean it is not possible to achieve the standard. The options for the provision of private garden space are limited by the constraints of the site, given that the host building already exists on a severely restricted apron of land. Nonetheless, even if the quantum of private space could be considered acceptable due to the constraints of the site, the SPD is clear that attention should also be given to the quality of the garden space.
- 8. The limited dimensions and narrow shape would in this instance restrict the overall practicality and value of the outdoor space to the future occupiers. Little more than an alleyway, it would not provide a meaningful or pleasant space for typical domestic activities such as sitting out, drying washing and gardening. Hemmed in by neighbouring buildings and high boundary fences/structures it would be unlikely to receive much direct sunlight. Users of the proposed amenity space would therefore experience an oppressively enclosed environment and in this regard, it would be considerably different to a balcony. The proposed garden space would therefore not only be substandard in size, but it would be severely poor in quality and useability which would be harmful to the living conditions of the future occupiers.

#### Living Conditions of Neighbouring Occupiers

9. The existing building sits close together with other existing properties, namely those on Bridge Road which have a number of different sized outriggers and extensions to the rear. The rear facing bedroom window would provide an uninterrupted view down onto the private yard area to the rear of 39 Bridge Road. This area appears to have a domestic use, given the presence of a washing line and plant pots. Such views would be at very close range with the existing occupants likely to experience a significant and uncomfortable feeling of being watched when using this space. Bedrooms can be occupied for purposes other than sleeping, including working from home and studying. Blinds and curtains cannot be adequately enforced by planning condition and as

- such, would not adequately mitigate the degree of overlooking that would occur to the neighbouring outdoor space. The rear ground, first and second floor windows of No 39 whilst close, would however be at such an oblique angle, that direct overlooking would be unlikely to occur.
- 10. The rear garden of 1 Devonshire Road would also be visible from the rear facing bedroom window, beyond the access to Bridge Road Motorcycles. However, the existing boundary fence would provide a reasonable degree of screening, such that the privacy afforded to the occupants of this property would not be significantly harmed.
- 11. Obscured glazing would be installed to the lower half of the first-floor windows serving the staircase/landing and bathroom which would be sufficient to protect the amenity of the residents living in flats above 41 Bridge Road. Sufficient distance would also be maintained between the first-floor bedroom within the front elevation and the dwelling and garden at 2b Devonshire Street, given that the street is an intervening feature. The ground floor windows due to being high-level, obscured by the boundary fence or facing onto the existing street would not give rise to any direct unacceptable overlooking of adjacent properties.

Conclusion on Living Conditions of Existing and Future Occupants

12. Whilst I have found that the proposal would not result in a loss of privacy to the occupants of neighbouring properties from overlooking of habitable windows, it would have an adverse effect on the living conditions of the occupants of the flats within No 39 through a loss of privacy to their private amenity outdoor space. It would also have an adverse effect on the living conditions of the future occupiers of the proposed dwelling with regard to outlook, daylight and sunlight and the provision of private garden space. It would therefore conflict with Policy EQ2 of the LP as set out above. It would also conflict with paragraph 130 of the Framework which seeks to ensure a high standard of amenity for existing and future users.

#### **Other Matters**

- 13. The Appellant considers that the Council's Flats and Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) 2018 should be read in tandem with the New Housing SPD, with regard to the appeal proposal. That SPD enables factors such as the walking distance to a local centre and reuse of a vacant building that has wider significant community or regeneration benefits to be considered when determining whether a lower standard is acceptable. In this regard it is different to the New Housing SPD which does not make such provisions and which the Appellant considers to be inconsistent.
- 14. The description of development and submitted plans indicate that the proposal is for a 2-storey dwelling. As such, it is clear that the Flats and HMO SPD is not applicable to the scheme before me. Even if it were relevant, the Flats and HMO SPD is clear that the provision of outdoor space that is significantly below the standard would not normally be acceptable. The proposed poor quality and severely limited size of the outdoor space would not therefore be justified by any perceived flexibilities set out in the Flats and HMO SPD.
- 15. There are a number of nearby public spaces including Alexandra Park, Victoria Park and Crosby Coastal Park that the Appellant considers to be within

convenient walking distance to the appeal site. Whether or not this is the case, neither of the SPD's make any provision for the lack of private garden space to be offset or compensated for, by the presence of existing nearby public open space. Public spaces would not enable typical residential activities such as drying washing or socialising privately with friends and family and would not therefore provide an equivalent compensatory provision.

- 16. I have considered the various benefits put forward by the Appellant that the proposal would bring, including the re-use of a building in an accessible location where there are a range of local facilities. It is suggested that the proposed dwelling would add to the variety of local housing stock, appealing to first-time buyers, younger persons or couples not requiring or desiring private amenity space, that would be aware of the situation before taking up residency. Be that as it may, it cannot be assumed that occupants at the lower end of the housing market would not want or need the provision of quality outdoor space, or that the occupants' needs would not change over time. Adding to the range of local housing would be of little benefit given that it would do so in a poor-quality manner, to the detriment of future users. The suggested benefits would therefore attract no more than limited weight.
- 17. Reference is made to the current use of the property causing nuisance to local residents due to vehicle noise, movements and on-street car parking, and I note the signed proformas of support from interested parties. There is no substantive evidence before me that the existing office use generates a significantly larger number of vehicle movements and car parking demands than the proposed use, such that I could attach weight to this matter as a benefit. The office use is likely to largely occur during weekdays when residential occupiers may be out at work. The car parking demands from the different uses are thus likely to occur at different times, such that they are not wholly comparable.

#### **Planning Balance and Conclusion**

18. I have found that the proposed development would not result in the direct overlooking of adjacent habitable windows belonging to residential properties. Nevertheless, this lack of harm is neutral in the planning balance. Given that only limited weight is attached to the suggested benefits of the proposed development, namely the proximity to nearby shops and services, this would not outweigh the significant adverse effect to the living conditions of occupiers with regard to outlook, daylight and sunlight and private amenity space or neighbouring occupiers with regard to the privacy of their outdoor space. There are no material considerations that lead me to determine the appeal otherwise than in accordance with the development plan. The appeal is dismissed.

M Clowes

**INSPECTOR** 

# **Appeal Decision**

Site visit made on 6 June 2023

### by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2023

## Appeal Ref: APP/M4320/W/22/3311668 6A-6B The Cloisters, Halsall Lane, Formby L373PX

- 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 John Lawson [The Cloisters (Formby) Ltd] against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2021/01831, dated 28 September 2021, was refused by notice dated 31 October 2022.
- The development proposed is change of use of the existing first-floor commercial space from a gym (E) to 8 self-contained flats (C3) including external alterations.

#### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters and Main Issues**

- 2. The description of the proposed development is taken from the Council's decision notice as it more accurately and succinctly describes the development proposed.
- 3. The Council indicates that the principle of residential development in the upper floor of a building within a district centre is acceptable. Based on all that I have seen and read, I see no reason to disagree with this view. The main issue of this appeal has flowed from the Council's concerns. In addition, following consideration of the submitted plans and my visit, I have also included the effect of the proposal on the living conditions of future occupiers, with regard to noise and disturbance. The parties were given the opportunity to comment on this matter during the appeal process, and I have taken into account the responses received.
- 4. The main issue of this appeal is therefore, the effect of the proposed development upon the living conditions of future occupiers with regard to the provision of outdoor space, and noise and disturbance.

#### Reasons

Provision of Outdoor Space

5. The Council's Flats and Houses in Multiple Occupation Supplementary Planning Document 2018 (SPD) provides detailed guidance on how Policy HC4 of A Local Plan for Sefton 2017 (LP) is to be implemented. Amongst other things, this policy requires the conversion of buildings to flats to not cause significant harm to the living conditions for the occupiers of the property.

- 6. The SPD advises that proposals involving the creation of new flats should provide access to an area of private outdoor amenity space. The minimum standard for such space is 20sqm per flat, equating to 160sqm for the proposed development of 8 flats. The SPD advises that the space can be communal, private or a combination.
- 7. The scheme proposes a communal terrace of 20sqm for the whole development, as well as 17sqm of private outdoor space for Flat 7. Whilst the SPD provides flexibility to accept a lower amount of outdoor space based on site specific factors, it is clear that the provision of outdoor space that is significantly below the standard will not be accepted under any circumstances. 37sqm's of outdoor space for 8 flats would be exceptionally meagre, and significantly below the minimum standard of the SPD. Sandwiched between 2 flats, the proposed outdoor terrace would also be relatively narrow in composition, limiting its quality and useability. 20sqm's of communal space could not be considered to be a sufficiently sized space for typical domestic activities such as socialising with friends and family, children playing or drying washing, particularly if in use by the occupants of multiple flats simultaneously. Significant harm would therefore be caused to the living conditions of the future occupiers of the proposed development.

#### Noise and Disturbance

- 8. The proposed outdoor communal space would be located in a recessed area between Flat's 7 and 8. It would be positioned directly outside and within 1m of the windows serving the living area of Flat 7, as well as within close proximity to the windows serving the 2 bedrooms of this flat.¹ The use of this space by other residents for domestic activities and social gatherings is likely to result in significant noise and disturbance for the future occupants of Flat 7, from the sound of conversation and enjoyment, which may at times be loud. Noise is likely to be exacerbated by the small area of the communal space and amplified by its location within a recess between external walls. Given the arrangement of Flat 7, there would be no habitable rooms positioned away from the communal area that the future occupiers could go to, to escape any such noise. Whilst external patios or balconies may be located side by side in a new build property, the proposed scenario would in effect result in a neighbour's outdoor space being directly outside another occupants' windows to their main living area. As such, I do not find it to be a comparable scenario.
- 9. Fencing could provide acoustic attenuation and prevent overlooking from the communal space. However, it would need to be positioned directly outside the main living room windows to Flat 7 and be consistent with or above average head height to have any meaningful effect. This is likely to severely restrict the outlook from the main living space of Flat 7, creating inferior and claustrophobic living conditions for the future occupiers.
- 10. The Appellant suggests high-quality glazing units with acoustic vents could be used to mitigate noise from the outdoor communal area. Whilst the use of acoustic glass is likely to be of benefit, there is no substantive evidence before me that it would reduce noise to an acceptable level, given the very close relationship between the windows of Flat 7 and the communal space. Such glazing would not prevent noise being audible when the windows are open. Signage to restrict access to the terrace from 11pm whilst commendable, is

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 $<sup>^{1}</sup>$  As shown on proposed first floor unit and bedroom areas drawing, number 22124-0120 Rev P-02.

unlikely to be enforceable in practice without further measures to ensure the future occupants of the flats comply. Even so, the comings and goings and use of the outdoor space until 11pm potentially every day of the week is unlikely to be congenial to the living conditions of the future residents of Flat 7, given that a home should provide a place of peace and sanctuary, even when positioned within a local centre.

11. I have considered the Appellant's suggestion that acoustic detailing and calculations could be secured by a planning condition. However, the outcome of any assessment is currently unknown. So too is the extent of any required mitigation, and the further implications such mitigation may have on other aspects of the living conditions of the future occupants of Flat 7, namely outlook. Such a condition is unlikely to be reasonable or enforceable and it would not therefore, meet the tests set out in paragraph 54 of the National Planning Policy Framework (the Framework) and the Planning Practice Guide.<sup>2</sup>

### Conclusion - Living Conditions of Future Occupiers

12. For the above reasons, the proposed development's failure to provide sufficient private outdoor space, and noise and disturbance to the future occupants of Flat 7 arising from the location of the proposed communal space, would cause significant harm to the living conditions of the future occupiers. Consequently, the proposal would conflict with Policy HC4 of the LP and the SPD as set out above, along with Policy ESD2 of the Formby and Little Altcar Neighbourhood Development Plan 2012-2030 (2019), which seeks amongst other things, high quality design that demonstrates consideration of residential amenity. Conflict is also found with paragraph 130 of the Framework which seeks a high standard of amenity for future users.

#### **Other Matters**

- 13. The SPD is clear that outdoor space that is significantly below the minimum standard will not be accepted under any circumstances. Lower amounts of space will only be considered in limited exceptional circumstances, where justified by a specific proposal. The appeal site is located above a parade of shops forming part of a wider local centre, that has a good range of facilities and services and access to public transport that would no doubt be of benefit to the future occupiers of the proposed flats. This would weigh modestly in the proposal's favour.
- 14. The Appellant suggests that the provision of 160sqm private outdoor space is unachievable for the conversion of an existing building in a central location. However, there is no substantive evidence before me to demonstrate that all opportunities to maximise outdoor space within the development have been considered, as required by the SPD. For example, it is not clear whether any existing extensions could be removed to provide additional space, whether adjacent land or roof space could be obtained, or alternative designs could incorporate additional communal space and/or private balconies.
- 15. A map indicates the availability of public open space within the wider Formby area including Duke Street Park, Bills Lane, Barkfield Park and Deansgate Park with Formby beach further afield. The Appellant considers these to be within a convenient walking distance to the appeal site. Nevertheless, they are public

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<sup>&</sup>lt;sup>2</sup> Paragraph: 003 Reference ID: 21a-003-20190723.

spaces that would not provide all of the functions associated with private residential space, including the facilitation of socialising at home, gardening and drying washing. Moreover, these existing areas of outdoor space are not necessarily conveniently located for families with children or people with mobility concerns, where even a short distance could be problematic for access. As such, the availability of public open space would not offset the need for private outdoor space that is readily accessible to the future occupiers of the proposed development.

16. Reference is made to the conversion of the existing building having a low environmental and CO<sup>2</sup> impact when compared to a new build development. This may well be the case, but no substantive evidence has been presented to corroborate this assertion. There may be other ways of achieving similar benefits through alternative schemes, that would avoid the harm identified above.

### **Planning Balance and Conclusion**

17. The proposed development would result in significant harm to the living conditions of the future occupiers, with regard to the provision of outdoor space and noise and disturbance. This conflict with the development plan would not be outweighed by the modest benefit of the proximity to the shops and services of a local centre. There are no material considerations in this instance that lead me to find other than in accordance with the development plan. The appeal is dismissed accordingly.

M Clowes

**INSPECTOR**