

APPENDIX

Committee: PLANNING

Date Of Meeting: 10th February 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.

APPENDIX

Appeals Received and Decisions Made

From 30 December 2009 to 27 January 2010

Decisions

Unit 1 Sefton Lane Industrial Estate Sefton Lane, Maghull

S/2009/0609 - APP/M4320/H/09/2116100

Advertisement Consent for the display of 1 no. non-illuminated free standing poster sign adjacent to the grass verge fronting Sefton Lane

Appeal Type: Written

Lodged Date: 05 November 2009

Decision: Allowed

Decision Date: 14 January 2010

Mortons Dairies Kenyons Lane, Lydiate

S/2009/0215 - 2104157 & 2106013 & 2106091

Application for Lawful Development Certificate for use of the land in connection with a dairy business involving the parking and manoeuvring of cars and commercial vehicles, storage of plant and equipment, storage of out of service milk floats and storage of other dairy related items

Appeal Type: Public

Lodged Date: 16 June 2009

Decision: Dismissed

Decision Date: 11 January 2010

20 York Close, Formby

S/2009/0533 - APP/M4320/D/09/2116944

Erection of a first floor extension to the front / side of the dwellinghouse (Resubmission of N/2008/0616, refused 23/09/08)

Appeal Type: Written

Lodged Date: 23 November 2009

Decision: Dismissed

Decision Date: 18 January 2010

New Appeals

Land to the rear of 79 Albert Road, Southport

N/2009/0344 - APP/M4320/A/10/2119909

(a) Erection of a detached two storey dwelling with underground swimming pool and leisure facilities with access onto Fleetwood Road
(b) Construction of an underground car park for the residents of the apartment block to the rear of 79 Albert Road

Appeal Type: Written

Lodged Date: 07 January 2010

Decision:

Decision Date:

61 & 63 Albert Road, Southport

S/2009/0874 - APP/M4320/A/10/2120504/NWF

Outline planning application for the erection of a block of five, four storey town houses fronting onto Albert Road and a block of six, part three, part four storey town houses at the rear after demolition of existing buildings

Appeal Type: Informal

Lodged Date: 18 January 2010

Decision:

Decision Date:

NEW ENFORCEMENT APPEALS

**33 PILKINGTON RD
SOUTHPORT
PR8 6PD**

**APPEAL TYPE WRITTEN
LODGED DATE 26/11/2009**

Without planning permission, within the last four years, erection of timber stairs on the southern side of the single storey rear extension and a timber decking area with surrounding timber balustrade on the roof of the single storey extension at the rear of the property

**LADY GREEN FISHERIES
ORRELL HILL LANE
INCE BLUNDELL**

**APPEAL TYPE WRITTEN
LODGED DATE 10/11/2009**

Erection of a decked area with concrete base.



Appeal Decision

Site visit made on 4 January 2010

by **Susan Holland** MA DipTP MRTPI

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

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Decision date:
18 January 2010

Appeal Ref: APP/M4320/D/09/2116944
20 York Close, Formby, Merseyside, L37 7HZ

- 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 Alan Payne against the decision of Sefton Metropolitan Borough Council.
- The application Ref S/2009/0533, dated 8 July 2009, was refused by notice dated 24 August 2009.
- The development proposed is a first floor extension to the side and front of the detached dwelling.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the appeal proposal upon the intrinsic design of the host dwelling.

Reasons

3. No.20 York Close is a 2-storey detached house which incorporates, as part of its original design, a large gable-roofed double garage projecting forward from the front elevation. The garage extends across approximately half the front elevation of the main dwelling. Its depth is increased by the inclusion of a utility room and separate cloakroom immediately between the garage space and the line of the main front elevation. A subsequent single-storey extension has been built, projecting sideways from the garage. The side extension itself stands wholly forward of the main dwelling and appears to be accessed internally only via the utility room within the garage element.
 4. The appeal proposal is to build an upper storey out above both the existing garage and the existing side extension. The new 1st-floor element above the garage itself would be set back from the front elevation of the garage to form in effect a double tier, with a truncated hipped roof to the lower element and a fully-hipped roof to the upper. The roof ridge of the garage element would meet the roof of the main dwelling at a point below the main roof ridge. In both respects, the new extension above the garage itself would, on its own, be clearly subordinate to the main dwelling, and appropriately balanced in its design and proportions.
 5. However, that part of the proposed 1st-floor element which would extend out above the existing single-storey side extension would not result in a balanced
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or proportionate overall development. The pitched roof of the new 1st-floor side element would meet, at similar ridge height, the new roof above the extended garage. Together, the new upper storey and roof above it would obscure the whole end elevation of the existing main house. The depth of the new 2-storey extension would be similar to that of the main house. The resulting overall extension would be substantially out of scale in relation to the main dwelling and would appear as an entire (albeit smaller) house placed directly in front of, and overlapping, the original main house. The result would be an awkward, over-complicated, disproportionately lengthy and unbalanced combined development.

6. I therefore conclude that the appeal proposal would have a materially harmful effect upon the intrinsic design of the host dwelling. I consider that the proposal would materially conflict with saved statutory Policy MD1 of the Sefton MBC Unitary Development Plan in that the proposed extension would not be *of a size, scale and mass that is minor in relation to the existing dwelling*; and with Policy DQ1 in that it would fail to *make a positive contribution to [its] surroundings through the quality of [its] design in terms of scale, form [and] massing*.
7. The appeal site is located at the farthest cul-de-sac end of York Close, and in relation to the highway is set in an oblique position. Whilst the 2-storey side extension would rise above the hedge which screens the existing single-storey side extension, the full extent of the resulting development would not be apparent as seen from the street. The garage itself is set well back from the street. However, whilst I consider that the effect of the proposal upon the street scene of York Close would be limited, this matter does not outweigh the conclusion which I have reached on the basis of the main issue.

S Holland

INSPECTOR



Appeal Decision

Site visit made on 12 January 2010

by **Elizabeth C Ord** LLB(Hons) LLM MA
DipTUS

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

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Decision date:
14 January 2010

Appeal Ref: APP/M4320/H/09/2116100

Neptune Aquatics, Unit 1, Sefton Lane Industrial Estate, Liverpool, L31 8BX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr. Roy O'Grady against the decision of Sefton Metropolitan Borough Council.
- The application Ref S/2009/0609, dated 28 July 2009, was refused by notice dated 10 September 2009.
- The advertisement is a free standing trade sign advertisement for existing business.

Decision

1. I allow the appeal, and grant consent for the display of the free standing trade sign advertisement for existing business as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural matter

2. The advertisement has already been erected and the application has been made to regularise the situation.

Main issue

3. The main issue is the effect of the advertisement on the street scene and highway safety.

Reasons

4. The site is situated at the entrance to an industrial estate in an industrial improvement area. Nearby buildings are utilitarian in appearance and there is a reasonable level of signage in the vicinity, both within the estate and along Sefton Lane. The advertisement fronts Sefton Lane and is set back from the highway behind a grass verge and fence, partially within the tree line and close to site buildings.
 5. Its scale and design respects its environment and blends into its surroundings. It is unobtrusively positioned and does not appear dominant. On my site visit I approached the premises from the east, and the sign was not readily noticeable until I was at the entrance of the industrial estate. It is not overly prominent and is not an undue distraction to drivers.
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6. Permitting this advertisement would not make it more difficult for the Council to resist further applications for this estate, as each advertisement is assessed on its own merits.
7. For the reasons given and taking account of all matters raised, I find that the advertisement does not adversely affect the street scene and is not detrimental to highway safety. Therefore, it is not contrary to Policy MD7 of the Sefton Unitary Development Plan, which seeks, amongst other things, to avoid advertisements that are obtrusive or dominant features in the street scene.

Elizabeth C. Ord

INSPECTOR