
Appeal Decision

Site visit made on 12 September 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/M4320/W/16/3153190
43 Part Street, Southport PR8 1HY

- 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 Jason Pickthall against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2016/00021, dated 6 January 2016, was refused by notice dated 12 April 2016.
 - The development proposed is a three storey extension to side of existing building, including basement level. Access is to be provided from the front facing porch to the side of the property (Cross Street). Bin and cycle storage to rear. To proposed flats contain juliet balconies to the rear of the property and a roof light is proposed to the rear top flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) the living conditions of future occupants of the flats, having regard to outlook, light and amenity space provision.

Reasons

Character and Appearance

3. Properties on Part Street and Cross Street form strong and consistent building lines which intersect at the appeal site's corner location. As a consequence of the established front building lines of each street, the appeal site forms a spacious plot that is larger than those adjoining it. This layout is replicated on the north eastern side of Cross Street at 41 Part Street. Bay windows and decorative front entrance doorways are a common theme in properties locally, with a number containing windows in the basement floor of the bay. Internally the appeal site offers four floors, including the use of the basement and the roof space. At the rear of the appeal site is an enclosed yard which leads onto a detached outbuilding that abuts 6 Cross Street.
 4. Land adjacent to the flank elevation of No 43 is currently occupied by building materials, rubble and landscaping. Whilst the proposal may assist the appellant with continuing to repair and undertake improvements to the appeal site, by extending to the side the proposal would extend significantly beyond the straight building line of Cross Street. A gap would be retained to the Cross
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Street highway boundary that complies with the distance contained in the New Housing Supplementary Planning Document (NHSPD). Nonetheless the proposal would substantially depart from the uniform Cross Street building line.

5. As a result, the extension's size, scale and massing would appear prominent and be a dominant change to the character and appearance of the site. Moreover, the extension would alter the spacious entry into Cross Street from Part Street, created by Nos 41 and 43. Whilst No 41 is screened by boundary treatment to the front and side of the plot, it reflects the building line of properties on the north eastern side of Cross Street. I acknowledge the proposed garden area would be landscaped and the extension would conceal the existing gable wall, but I do not consider these matters outweigh the significant harm that would arise from the proposal which would not secure a high quality design.
6. Furthermore the new entrance doorway to the side does not reflect the architectural detail found nearby which include a decorative arch, keystone and glazing. Despite aspects of the entrance door and the extension in general reflecting local design, as a result of the lack of architectural detail in the entrance door it would therefore appear incongruous.
7. For these reasons, I conclude that the proposed development would significantly affect the character and appearance of the area. Of the policies and guidance referred to by the Council, saved Policies CS3, MD1 and DQ1 of the Sefton Unitary Development Plan (UDP), the NHSPD, the Supplementary Planning Guidance 'Design' and paragraphs 17, 56 and 57 of the National Planning Policy Framework (the Framework) are the most relevant. These together seek to ensure high quality design that positively reflects the layout, form and detailing of the site's surroundings. The proposal would conflict with the objectives of these policies.
8. Policy HC4 of the emerging Local Plan for Sefton (LP) is referred to by the Council. This policy has not yet been adopted and the policy may yet change. I therefore attach little weight to it.

Living Conditions

9. The Houses in Multiple Occupation (HMO) and Flats Supplementary Planning Document (HMOFSPD) is clear that for basements, planning permission will only be granted where there is a reasonable outlook from all habitable room windows. It also points to internal floor levels not being more than 1 metre below the existing external ground level from outside and that it will not be acceptable to excavate land in order to provide a reasonable outlook. The basement flat would have a front and rear outlook serving a bedroom and kitchen and living room respectively. The HMOFSPD confirms these are habitable rooms.
10. Even though the south east facing rear window includes glazed doors which would facilitate air circulation, the land surrounding this opening would need to be excavated by 1 metre. Notwithstanding the floor level depth, the proposal would be contrary to the requirement not to excavate land. This would together with the proposed fencing screen the vast majority of the opening, albeit I acknowledge some light would penetrate past the fence. However, I do not consider it would provide an acceptable outlook and the kitchen and living room would be dark and gloomy.

11. The proposed bay window would contain windows serving the bedroom of the basement flat. The bedroom is internally partitioned from the kitchen and living room. As the appellant points out there are properties in the area with windows in a similar position to those proposed. I acknowledge the appellant's point concerning larger windows being out of character, but of the examples cited, it appeared to me that the windows serving these properties were larger than the small and squat windows proposed. The Framework in paragraph 17 seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. In this regard, occupants of the basement flat would have a ground level outlook onto the garden area. Nonetheless it would result in the bedroom being dark and gloomy, due to the size and siting of the openings in this north western facing elevation.
12. The Council accepts the garden area in numerical terms is adequate for the number of flats proposed. Although the usability of the space is questioned, I consider that this area could be made more private through landscaping and or boundary treatment. This would change the street scene, but I have noted No 41 was enclosed by timber panel fencing and landscaping in their garden. As a consequence, it has enclosed the land and reduced openness. However it has not adversely affected highway and pedestrian safety or been to the detriment of the street scene. A suitably worded planning condition would ensure the delivery of a satisfactory scheme having regard to these matters. However, such a condition would not overcome the harm I have identified in respect of the basement flat.
13. For these reasons, I conclude that the proposed development would harm the living conditions of future occupants of the basement flat, having regard to outlook and light. The proposal would be contrary to saved Policies CS3 and DQ1 of the UDP, the HMOFSPD, the NHSPD as well as paragraph 17 of the Framework. These policies and documents seek to protect the living conditions of occupants of basement flats by ensuring rooms are not dark and gloomy.

Other Matters

14. Whilst residents raise concern, I do not consider the proposal would result in a loss of privacy for the occupants of No 6 given the orientation of each property and the siting of windows. I note concerns regarding parking provision, but I share the Council's view that, in the event of the appeal being allowed, planning conditions could secure the necessary parking provision for the proposed flats. Finally, whilst unsavoury incidents may have occurred, I have no details of the nature or frequency of these to attribute them any weight.
15. Although the appellant may have undertaken works to repair or improve the appeal site, these are not matters before me in this appeal. As such, I have determined the development that has been applied for.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR