

Appeal Decisions

Site visit made on 21 February 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 23 March 2017

Appeal A - Ref: APP/M4320/W/16/3163074 245 Strand Road, Bootle L20 3HJ

- 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 J Doyle of Sutherland Investment Properties Limited against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2016/00092, dated 20 January 2016, was refused by notice dated 9 June 2016.
 - The development proposed is conversion of vacant property to House in Multiple Occupation (HMO).
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Appeal B - Ref: APP/M4320/W/16/3163075 245 Strand Road, Bootle L20 3HJ

- 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 J Doyle for Sutherland Investment Properties Limited against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2016/00091, dated 20 January 2016, was refused by notice dated 9 June 2016.
 - The development proposed is conversion of vacant former pub to three flats.
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Procedural Matters and Background

1. The appellant identified on the Appeal Forms for both appeals differs from the applicant stated on the original application forms which was *Mr J Doyle for Sutherland Investment Properties Limited*. Paragraph 2.3.1 of the *Planning Inspectorate Procedural Guide: Planning Appeals – England (2016)* (The Procedural Guide) states that only the applicant can appeal a planning decision. Notwithstanding this, it was been confirmed in writing by the original applicant that their consent has been given to *Mr Rob Todd for Aeron Investments Ltd* to be a substitute applicant. Having considered the circumstances of the case, and given the evidence now provided, I am satisfied that no party would be prejudiced by as a result of this change. Therefore, I have determined the appeal on that basis.
 2. The descriptions of development on the application forms for both cases, as set out in the headers above, differ from those on the Decision Notices for both cases. Notwithstanding this, the amended descriptions set out more accurately the proposals in each case. Therefore, I have used the Decision Notice descriptions in my decision letter.
 3. During my visit I was unable to gain access to the rooftop area identified for the proposed private outdoor space. However, I was able to view the area
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from a window on the same floor level within the appeal building and at street level from various points around the property. I have therefore assessed the proposal on that basis.

4. As set out above there are two appeals on this site. They differ only in the internal layout of the proposals due to the differing type of accommodation sought by each scheme. For ease of reference I refer to the cases as Appeal A and Appeal B in this decision letter as set out in the headers. I have considered each proposal on its own individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated. Appeal A seeks the change of use to a House in Multiple Occupation (HMO) involving an extension and the layout of a roof terrace / garden area to the second floor and alterations to the elevations. Appeal B seeks the change of use to three flats involving a staircase extension to the second floor flat roof, the layout of a roof terrace / garden area to the second floor and alterations to the elevations. Both proposals do not involve any significant or material alterations to the external appearance of the property.

Decisions

Appeal A – Ref: APP/M4320/W/16/3163074

5. The appeal is allowed and planning permission is granted for the change of use to a House in Multiple Occupation (HMO) involving an extension and the layout of a roof terrace / garden area to the second floor and alterations to the elevations at 245 Strand Road, Bootle L20 3HJ, in accordance with the terms of application Ref: DC/2016/00092, dated 20 January 2016, and subject to the conditions set out in the attached schedule.

Appeal B – Ref: APP/M4320/W/16/3163075

6. The appeal is allowed and planning permission is granted for the change of use to three flats involving a staircase extension to the second floor flat roof, the layout of a roof terrace / garden area to the second floor and alterations to the elevations at 245 Strand Road, Bootle L20 3HJ, in accordance with the terms of application Ref: DC/2016/00091, dated 20 January 2016, and subject to the conditions set out in the attached schedule.

Main Issue

7. The main issue is the effect of the proposed developments on the living conditions of future occupiers with regard to private outdoor amenity space.

Reasons

8. The appeal property which is the subject of these appeals is a former public house which is in a poor state of repair. The building is detached and is situated at the junction of Strand Road and Litherland Road. The surrounding area comprises of a mix of residential, commercial and industrial uses. However, the prevailing use in the immediate area around the building is residential. The town centre of Bootle is within a five minute walking distance to the west of the site. The Leeds Liverpool Canal passes to the south east of the appeal site and the nearest public open space, North Park is located approximately half a mile to the north west of the property.

9. The Council states that both proposals in Appeal A and Appeal B would fail to provide sufficient private outdoor amenity space for future occupiers and therefore both schemes would not comply with the relevant policies of the development plan and the Council's Supplementary Planning Document 'Houses in Multiple Occupation and Flats' (SPD).
10. The SPD states the importance of providing a satisfactory standard of amenity for occupiers of flats and HMO and that through its guidance, the SPD seeks to ensure that people do not live in poor quality development. Furthermore, the SPD indicates that it is important that some private outdoor space is provided for residents for outdoor activities where possible. In addition, I note that the recently adopted 'New Housing Development' Supplementary Planning Document (New Housing SPD) has reduced the amount of required outdoor space per flat from 30m² to 20m².
11. I acknowledge that there would be circumstances where meeting the standards set out in the Council's relevant SPDs would not be realistic or achievable. I find this to be so in this case. Whilst the proposed area of private outdoor space within the rooftop garden area in both schemes would be less than the SPD standard, each scheme would provide useable outdoor space for future occupiers where previously there had been none. Therefore, in my view, both schemes would meet the aim of providing such outdoor space where possible.
12. Having had regard to the surrounding area, I find that the appeal property is in an accessible location and is well served by local services, facilities and public transport. I note that North Park is within a short walk of the appeal site and would offer opportunities for greater leisure and recreation over and above those which would be afforded by the proposed rooftop garden. I appreciate that the local park would not provide private outdoor space for future occupiers of the proposals. Notwithstanding this, from the evidence before me, I am satisfied that the proposed rooftop garden area would provide some private outdoor amenity space for such domestic activities as informal recreation, the drying of clothes, barbecues and for children to play. Moreover, I find that the proposals would make the best use of the space available at the site.
13. Based on the evidence before me and given the circumstances and nature of the subject building, I find that both appeal schemes relating to Appeal A and Appeal B would provide adequate private outdoor amenity space. Moreover, it would not adversely affect the living conditions of neighbouring or future occupiers. Furthermore, I find that both proposals would provide benefits in terms of reusing an existing vacant building within the locality. They would contribute towards meeting an unmet demand in the area for the specified residential accommodation and would not be harmful to the character of the area. Indeed, through the reuse of the redundant building, I find that both schemes would improve the character and appearance of the building and the surrounding area.
14. Consequently, I conclude that both appeal schemes would have no material detrimental impact on the living conditions of future occupiers in relation to private outdoor amenity space. As a result, I conclude that both schemes relating to Appeal A and Appeal B would comply with Policy MD2 of the Sefton Unitary Development Plan, Policy HC4 of the emerging Local Plan for Sefton and the adopted 'Houses in Multiple Occupation and Flats' Supplementary Planning Document. Amongst other matters, these policies and guidance seek

to ensure that development does not have a harmful impact on the living conditions of future or neighbouring occupiers, including through the provision of private outdoor amenity space.

Conditions

15. The conditions that have been suggested by the Council for both appeal schemes have been assessed in relation to the relevant parts of the Planning Practice Guidance (PPG). Both appeals are considered in relation to the discussion below and the respective conditions for each scheme are set out separately in the attached schedules.
16. In addition to the standard implementation condition (1), a condition specifying the approved plans is necessary to provide certainty (2). Further conditions regarding the implementation of the rooftop garden area (3 and 4) are necessary and appropriate in the interests of the living conditions of future occupiers and to ensure a satisfactory development.

Conclusions

17. For the above reasons, and having had regard to all other matters raised, I conclude that both appeals should be allowed.

Andrew McCormack

INSPECTOR

Appeal A – Ref: APP/M4320/W/16/3163074

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers F01, 02 and 05.
- 3) Prior to the occupation of any of the rooms, the rooftop garden must be implemented as shown on approved drawing F01. The rooftop garden must then be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 4) Prior to the commencement of use of the rooftop garden, the 1.8 metre obscurely glazed screen as shown on approved drawing F01 must be installed.

END OF SCHEDULE

Appeal B – Ref: APP/M4320/W/16/3163075

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 02, F02-A and 05.
- 3) Prior to the occupation of any of the rooms, the rooftop garden must be implemented as shown on approved drawing F02-A. The rooftop garden must then be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 4) Prior to the commencement of use of the rooftop garden, the 1.8 metre obscurely glazed screen as shown on approved drawing F02-A must be installed.

END OF SCHEDULE