
Appeal Decision

Site visit made on 8 May 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 18th May 2017

Appeal Ref: APP/M4320/W/17/3169120

8 Bath Street, Southport PR9 0DA

- 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 and Mrs Pawel and Elwira Kaczkowski against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2016/00389, dated 22 February 2016, was refused by notice dated 10 October 2016.
 - The development proposed is described as "continuation of use of premises as five self-contained flats".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note the very detailed description of development given on the application form. The more concise description used in the above heading is that used on the decision notice and appeal form. The conversion of the property to 5 self-contained flats has already taken place. I have determined the appeal on the basis of both these matters.
3. In April 2017, and after the submission of the appeal, the Council adopted its *Local Plan for Sefton* (LP), and as a result I sought the views of both parties regarding this. The Council have confirmed that the policy in the Unitary Development Plan referred to in the reason for refusal has been superseded by Policy HC4 of the LP. I have determined the appeal on the basis of national and local policies as adopted at the present time.

Main Issue

4. The main issue in the appeal is whether or not the development provides adequate living condition for occupiers with particular regard to outlook, internal living space, and private outdoor space.

Reasons

5. The appeal property is a large semi-detached dwelling which has accommodation within the roof space. The surrounding area comprises similar properties which are a mix of dwellings, flats, hotels, guest houses and some commercial uses.
 6. The property has been converted into five flats which are a mixture of 1 and 2 bed units. Policy HC4 of the LP indicates that development that involves the
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conversion of buildings into flats should not cause significant harm to the living conditions for either occupiers of the property, or for neighbouring properties, or to the character and appearance of the area. More detailed guidance on the conversion of buildings to flats is provided in the *Houses in Multiple Occupation and Flats Supplementary Planning Document (adopted March 2013)* (SPD). In order to ensure that adequate living conditions are provided for occupiers this sets out minimum space standards for habitable rooms and outdoor space, and guidance on outlook from rooms.

7. From the evidence before me and my own observations, it is clear that all the flats, other than flat 1, provide inadequate space arrangements for the occupiers. In particular the bedrooms in many of these flats, and especially flat 2 and flat 4, are of a very limited size, and do not allow a satisfactory arrangement of furniture and circulation space. As such the accommodation provides cramped living conditions.
8. In addition, a number of the flats have the windows on the side elevation of the rear outrigger. Given the limited distance between this and similar outrigger at the rear of No 6, the outlook from these rooms is limited, and this is a particular concern in the flats where these windows serve the principle living area for the flats. In addition, the bedroom window in flat 2, and the one serving bedroom 6 in flat 3, are not only small in size but also have a very limited outlook, due to the proximity of adjacent properties. In fact all the windows in flat 2 are not only relatively small but are obscure glazed, meaning that this flat is provided with no outlook from any room.
9. The property has a small rear yard between the outrigger and the boundary with No 6, which can only be accessed directly from Flat 1 and 2. The only way occupiers of the flats on the upper floors can access this space is by walking round to the rear access from Stanley Street. This severely compromises the usability of this space for these occupiers. As such, I am not persuaded that the occupiers of the flats on the upper floors of the property are provided with adequate private outdoor space.
10. The Council has indicated that the current standard for outdoor space is 20sqm per flat. Although the SPD recognises that this standard is sometimes not achievable or realistic, it indicates that the provision of at least some useable private outdoor space is important. In this case, the outdoor space associated with the property is always going to be limited. Notwithstanding the fact that the property may be located close to the seafront and parks, given the limited internal space in many of the flats, and poor outlook from some of the rooms, I consider that the provision of some outdoor space is important, whether or not the flats provide "family" accommodation. The failure to provide this for the majority of the flats results in the scheme failing to provide adequate living conditions for occupiers.
11. I note the suggestion that various internal walls could be removed. For example to make flat 2 a bedsit rather than a 1 bed flat, and flat 4 a 1-bed flat rather than 2-bed. However, no plans have been provided to show this, and in any case it would represent a materially different scheme to that which is before me.
12. All in all, I consider that the development does not provide adequate living conditions for occupiers with particular regard to outlook, internal living space,

and private outdoor space. Accordingly, it is contrary to Policy HC4 of the LP outlined above.

13. It has been highlighted that other properties on the road have been converted to flats, and that these properties have a similar relationship with the neighbouring outrigger, as well as a similarly small rear yard. However, I do not have the full details of the circumstances that led to these proposals being accepted, and so cannot be sure that they represent a direct parallel to the appeal scheme, including in terms of the nature, layout and size of the accommodation created, or the development plan policies that applied at the time they were considered. In any case, I have determined the appeal on its own merits.
14. Similarly it is suggested that the living conditions for the occupiers of the flats is no worse than that which existed for the previous occupiers of the bedsits. However, it is acknowledged by both parties that the bedsit arrangement in the property did not benefit from any formal planning consent. Nor has any lawful development certificate been issued that would confirm the lawful use of the appeal property. In any case, the layout of the bedsits would have provided poor living conditions for the occupiers, and so does not set a precedent that should be followed. Thus this does not justify allowing this scheme.

Other Matters

15. The appeal site lies within Promenade Conservation Area, and as a result I have special regard to the statutory duty to pay attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The development has not altered the external appearance of the property and I note that in this regard the Council had no objection to the proposal. From the evidence before me, and my own observations, I see no reason to come to a different conclusion on the matter, and I am satisfied that the appeal proposal preserves the character and appearance of the conservation area.
16. Concern has been raised that should the appeal be dismissed, the occupiers would be made homeless. However, the Council has not objected to the principal of the residential use of the property, but rather to issues that relate to the intensity of its use.

Conclusion

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

Alison Partington

INSPECTOR