
Appeal Decision

Site visit made on 12 June 2017

by Harold Stephens BA MPhil DipTP MRTPI FRSA

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

Decision date: 20 June 2017

Appeal Ref: APP/M4320/W/17/3172038

15-19 South Road, Waterloo, Merseyside L22 5PE

- 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 Postvine Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2016/01114, dated 7 June 2016, was refused by notice dated 30 September 2016.
 - The development proposed is the erection of a block of 6 no 1 bed flats.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of the Council's decision, the development plan for the area was the saved policies of the Sefton Unitary Development Plan 2006. The Sefton Local Plan 2017 was adopted on 20 April 2017 and is now the adopted development plan for the area. I have assessed this appeal in the light of the policies in Sefton Local Plan 2017.

Main Issues

3. The main issues in this appeal are:
 - (i) the effect of the proposed extension on the living conditions of the future occupiers of the properties with particular reference to the provision of usable private outdoor amenity space; and
 - (ii) the effect of the proposal on highway safety.

Reasons

4. The appeal site comprises a three storey building fronting onto South Road with a service yard located to the rear with access via Albert Road. The building contains a restaurant at ground floor level and residential flats on the two upper floors. The site is adjoined to the north by two storey terraced residential properties on Albert Road and to the east by a hot food takeaway and restaurant on South Road. The service yard within the appeal site faces a substation, two garages and part of a beer garden located on the opposite side of Albert Road. The appeal site is located within an area allocated as a District Centre in the Sefton Local Plan 2017. The appeal proposal sought detailed planning permission to erect a three storey apartment block containing six self-contained flats.
-

Effect on living conditions

5. Section 6 of the *New Housing Supplementary Planning Document* (SPD), March 2016 sets out minimum space standards for gardens in new developments. It advises that new flats should be provided with a minimum garden size of 20m² per flat unless a lesser space would be consistent with the character of the area or particular site constraints mean it is not possible to achieve the standard. Attention should also be given to the quality of the garden space including accessibility and usability.
6. In this case the proposal would provide an area of outdoor amenity space at the rear of the flats equating to about 65m² which is roughly half of the 120m² guidance figure for the six proposed flats. The 65m² of outdoor amenity space does not include an area set aside for bins and cycle storage and the restaurant service area. The submitted plans show that it would contain a drying area, some seating and some shrub planting. The land is currently used as a service yard for the existing restaurant on the ground floor.
7. I appreciate that the appeal site is located close to amenities such as the Marine Gardens, Leisure Centre and coastline. Nevertheless, in my view, it is important for the residents of the proposed flats to have an adequate private outdoor space for activities and informal recreation. In this case only about half of the recommended standard would be provided. In addition, the proposed outdoor space would be of poor quality being surrounded by a restaurant service area including a bin storage area for the proposed flats, boundary walls and adjacent buildings. The outdoor space would also be in shade for much of the day due to its enclosed state and orientation.
8. Drawing these threads together the outdoor amenity space proposed for future occupiers of the six flats would be inadequate and of poor quality. It would not provide a pleasant or usable sitting out area for relaxation. It would result in an unacceptable residential environment due to the inadequate size of the proposed outdoor amenity space and its poor relationship with the surrounding area. The proposal would be contrary to Local Plan Policies HC3, EQ2 and ED2 which seek to protect residential amenity. It would also be in conflict with the New Housing SPD in relation to its guidance on the size and quality of gardens and to paragraph 17 of the NPPF bullet point four, which states that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. On the first issue, I conclude, that the proposal would have an unacceptably harmful effect on the living conditions of future occupiers of the flats.

Effect on highway safety

9. I appreciate that the Highway Authority raised no objections to the proposal and that the site is in an accessible location with good links to public transport, local shops and facilities. I also note that indicative cycle parking facilities are shown on the plans. However, the proposal does not provide for any off-street vehicle parking for future occupiers of the six flats. At my site visit I saw that there is limited scope for parking in nearby streets and the occupiers of the terraced houses in Albert Road have no off-street parking space. I also saw that parking restrictions exist outside the appeal site on South Road and these extend around the corner into Albert Road. Local residents have raised concerns about the lack of car parking associated with the proposal and the congestion and disruption caused by car parking in the area as a whole.

10. The parking standards set out in Sefton's *Ensuring Choice of Travel SPD* must be considered alongside the other policies in the development plan. The standards include one parking place per flat therefore six spaces would be required in this particular case. As the proposal involves no off-street car parking provision, the development would be contrary to the advice contained within the SPD. The proposal would also conflict with Local Plan Policy EQ3 (g) (Accessibility) which states that new development must have regard to the Council's parking standards. Paragraph 39 of the NPPF¹ advises that parking standards should take account of the types and accessibility of the development including local car ownership levels and the availability of public transport. Bearing in mind that no off-street parking would be provided and the inadequate availability of car parking in the vicinity, I consider that the proposal would be detrimental to highway safety. On the second issue I conclude that the appeal must fail.

Other Matters

11. I have taken into account all other matters raised including the comments from neighbouring residents. I am aware that there are problems with vandalism, fly tipping and other nuisances in the area. I am also aware that amendments have been made to the original scheme in terms of window design and room sizes to comply with the Sefton *Houses in Multiple Occupation (HMO) and Flats Supplementary Planning Document (SPD)*. I appreciate that there is a high demand for single person accommodation in the area. I accept that in terms of design and materials the proposal would be in keeping with properties on either side and would not be harmful within the street scene. I acknowledge that the proposal would not cause significant harm to the living conditions of existing residents in terms of overlooking and overshadowing. Planning conditions would not overcome the objections I have described. I conclude that the proposal is in overall conflict with the development plan. None of the points raised are sufficient to outweigh this conflict. My overall conclusion is that the appeal should be dismissed.

Harold Stephens

INSPECTOR

¹ National Planning Policy Framework