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# Appeal Decision

Site visit made on 11 July 2017

**by Siobhan Watson BA(Hons) MCD MRTPI**

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

**Decision date: 14 July 2017**

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**Appeal Ref: APP/M4320/W/17/3174284**

**40 Rosefield Hall, Hesketh Road, Southport, PR9 9PB**

- 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 Ruttle Plant Holdings Ltd against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2016/01755, dated 1 September 2016, was refused by notice dated 24 October 2016.
  - The development proposed is the change of use of vacant lower ground floor space to one studio apartment.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Council determined the appeal application against policies in the Sefton Unitary Development Plan, as well as having regard to the emerging Sefton Local Plan (LP). However, since this time the LP has been adopted and the UDP policies quoted in the decision notice are no longer applicable. I have therefore judged this proposal against the now adopted LP policies that were quoted in the decision notice. The Council's statement and submissions have clarified these changes and the appellant has had a chance to comment. Therefore the adoption of the LP has not prejudiced the appellant.

## Main Issue

3. The main issue is whether the flat would provide adequate living conditions for its future occupiers.

## Reasons

4. The layout of the basement flat has been constructed but has not been fitted out internally. I was able to go into the flat at my visit.
5. The proposed kitchen would have two full-length French windows which would open out onto a lightwell. However, this lightwell is very deep and narrow. It is so deep that the top of the lightwell is just above the top of the French windows and the wall of the lightwell is very close to these windows. I had no view of the sky when standing inside the kitchen. The proximity of the external wall to the windows means that there is no real outlook from the kitchen and

because the windows are closely surrounded by high walls the kitchen is a fairly dark room with inadequate levels of natural light.

6. The Council's Supplementary Planning Document *Houses in Multiple Occupation (HMO) and Flats* (SPD) identifies kitchens as habitable rooms but the appellant argues that a kitchen should not be treated as a habitable room, saying that Bolton Council does not adopt this definition in its own Supplementary Planning Document. However, it is for each Council to determine its own policies and therefore Bolton's Supplementary Planning Document carries little weight. Even so, I note that Bolton does treat a kitchen as a habitable room if no separate dining room can be provided.
7. There is no separate dining room in this proposal and there would be enough space in the kitchen for someone to eat. Time is also likely to be spent in the kitchen cooking, cleaning, washing up and probably doing laundry. I disagree with the appellant that little time would be spent in the kitchen. Furthermore, in my experience it is common practice for kitchens to be classed as habitable rooms and I agree with the Council in this respect.
8. The joint living and sleeping area would have a large bay window with double doors which would open out onto a paved area with a landscaped bank beyond. The bank is high with walls at the top and is fairly close to the windows. When standing inside the sleeping/living area I was unable to see the sky. The walls and bank are very enclosing upon this room and severely limit the outlook from it.
9. Furthermore, the flat was dark inside with an all over inadequate level of natural light. The combination of the lack of outlook from both windows, which are the only windows to the flat, and the low level of natural light, would make for a miserable living environment.
10. I note the appellant's comments in respect of Flat 3. I was able to view this flat from the inside. It has a similar bank in front of the lounge window but this bank has railings on top instead of a solid wall so that the outlook is far better from this flat than from the appeal unit. In addition, the lounge to Flat 3 has another fully glazed door at the other end of the room, which is not the case with the appeal proposal. Furthermore, the flat is much larger with a different layout and therefore it is not directly comparable to the appeal scheme.
11. I appreciate that the appellant has changed the proposed layout since the dismissal of the previous appeal<sup>1</sup> but, for the reasons given above, I do not consider that the changes make the proposed development acceptable.
12. I therefore conclude that the flat would not provide adequate living conditions for future occupiers. Consequently, it would conflict with Sefton Local Plan Policies SD2, EQ2 and HC4 which, in combination, seek to ensure that development is of a high quality design and that flat conversions should not be harmful to the living conditions of the occupiers of the property. I also find conflict with the Council's SPD which indicates that flats should have a reasonable outlook from habitable room windows.

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<sup>1</sup> APP/M4320/A/14/2217486

13. In addition, the development would not accord with Paragraph 17 of the National Planning Policy Framework which says that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
14. The Council has quoted LP Policy SD1 in its reason for refusal, but this is a general policy giving a presumption in favour of sustainable development and is not specifically relevant to this proposal except that it requires development to accord with the development plan, which this proposal does not.

### **Other Matters**

15. The site lies within the Hesketh Road Conservation Area which is characterised by wide roads containing large villas and blocks of flats which are set in spacious and mature landscaped plots. Rosefield Hall is particularly visually attractive and makes a significant positive contribution to the conservation area. The external alterations are minor and are in keeping with the appearance of the building as a whole. I therefore consider that the development preserves the character and appearance of the conservation area.
16. I note the appellant's argument that the occupation of the flat would aid the maintenance and security of the building but the building, as a whole, is already very well used and therefore I am not persuaded by this argument. I also acknowledge the appellant's comments that the site is in a sustainable location however this does not outweigh the harm I have identified.

### **Conclusion**

17. For the above reasons the appeal is dismissed.

*Siobhan Watson*  
INSPECTOR