



Appeal Decision

Site visit made on 24 September 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2019

Appeal Ref: APP/M4320/W/19/3231962

1 Bridge Street, Southport PR8 1BW

- 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 Dr Dharmana against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/00019, dated 3 January 2019, was refused by notice dated 21 June 2019.
 - The development proposed is described as: 'To Change the use from C3 Dwelling House to C2 Residential Children's Home'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the supply and proportion of residential children's homes in the Council area; and,
 - the effect of the proposed development on the living conditions of occupiers of neighbouring dwellings, with particular reference to noise and disturbance.

Reasons

Supply of residential children's homes

3. The appeal dwelling is an end-terraced property located on Bridge Street, which was currently vacant at the time of my site visit. The current use of the property is a 5no. bedroom house, Class C3¹ (dwellinghouses). The property does not benefit from any private parking, but there is limited on street parking available to the front of the property, on the surrounding streets and on car parks, such as the pay and display at Tulketh Street. The proposal is to change the use of the property to Class C2 (Residential Institutions) of the UCO.
4. The Council have made me aware that there are 25 private children's homes located in Southport and already approximately 220 young people from outside of the Sefton area placed in Southport. Furthermore, the Council's Children's Services assert that the mix of children from other local authority areas, alongside some of Sefton's own children and young people is costly for social care and other agencies.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO)

5. The Council raise no objections to the principle of the proposed development as the site is located in the town centre (TC) where residential uses are considered acceptable provided, they do not compromise the vitality and viability of the TC. As the site is situated within a number of residential properties it therefore complies with the land use aims of Policy ED2 A Local Plan for Sefton 2017 (LP). I have no reason to disagree with this observation.
6. However, the Council consider that the proposed development would be contrary to LP Policy HC2 as it would contribute to, and exacerbate an over supply of children's homes in the Council area. On the basis of the limited evidence before me, I find that it has not been demonstrated that the proportion of properties occupied as children's homes in either Southport or the wider Council area is so high as to have a demonstrable adverse effect, resulting in or exacerbating an existing over supply.
7. The appellant's case is that such a need exists and there is no contrary evidence before me from the Council to indicate that such a need does not exist. Nevertheless, I note that the issue of need did not form part of the Council's reason for refusal. However, I do recognise that the proposed development would be relatively modest, providing accommodation up to 4no. children from an age group of 11-18-year olds.
8. I therefore conclude that the proposed development would not likely lead to a harmful increase in the proportion of residential children's homes in the Council area, resulting in or exacerbating an oversupply. Therefore, the scheme would not conflict with the type/mix of housing aims of LP Policy HC2. The proposal would also not conflict with the objectives of policies contained within the National Planning Policy Framework (the Framework), which, amongst other, things seeks to deliver housing needed for different groups in the community

Living conditions

9. The appeal property as an end-terraced dwelling is located in an area of relative high-density development. Whilst the property has 5no. bedrooms, it is not on a large footprint due to its vertical three-storey design. The proposal is for the property to be used as a children's home for a maximum of 4no. children aged between 11 and 18 with emotional and/or behavioural difficulties. On the application form it states that there would be 2no. full time, and 2no. part time members of staff. The Officer report expands on this and states that the home would be run by a registered home manager with 4 other members of support staff, providing 24hr care through 2no. shift patterns.
10. The ground floor has a lounge, kitchen, dining room, w.c. and a small utility room. The first floor contains 3no. bedrooms and a bathroom. The second floor comprises a further 2no. bedrooms and 2no. store rooms. A series of stairs and landings run along the party wall. To the rear of the property is a modest yard. I note that the layout would remain unchanged through the proposed development.
11. I am sure that the appellant intends to provide a well-managed children's home. I note that the Council suggest that a management plan and an enhanced scheme of sound insulation could be obtained through the imposition of conditions. Nevertheless, I find that in a terraced property, such as in the case before me, its proximity to its neighbours, particularly No 3 Bridge Street, even with the best intentions, I consider it highly likely that neighbouring

occupiers would experience unacceptable noise and disturbance caused by the emotional needs and/or behavioural difficulties faced by the proposed residents and the comings and goings necessary to effectively ensure the safety and wellbeing of residents.

12. In this instance, even if a management plan and additional sound insulation was provided, this would not prevent noise and disturbance to local residents from use of the external areas of the property. I am of the opinion that in this particular circumstance, the character of the proposed use would be significantly materially different to that of the use of the property as a family dwelling. The immediate area surrounding the appeal site is largely characterised by a high density of family dwellings, I consider such a change of use would have an adverse effect on the living conditions of neighbouring occupiers of the host property, particularly those present at No 3.
13. I therefore conclude that the proposed development would likely significantly harm the living conditions of occupiers of neighbouring dwellings, with particular reference to noise and disturbance. Therefore, the development would not accord with the amenity aims of LP Policy EQ4 and paragraph 127 of the Framework.

Other Matters

14. Representations from local residents have also expressed a range of concerns on the application including, but not limited to the following: suitability of the location for future residents, crime and anti-social behaviour and parking, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance and Conclusion

15. Whilst, the proposal would not have a detrimental impact on the supply and proportion of children's homes in the Council area, the appearance of the surrounding area or result in any highway safety implications, these are matters of neutral consequence in the overall planning balance. Additionally, the proposal would lead to some social and economic benefits, through the provision of specialised accommodation and the employment opportunities, but these would be relatively limited in extent, and would not significantly and demonstrably outweigh the harm that would likely be caused to the living conditions of neighbouring occupiers, particularly those present at No 3.
16. For the reasons given above, on balance I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR