
Appeal Decision

Site visit made on 17 October 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2019

Appeal Ref: APP/M4320/W/19/3234872

14 Albert Road, Southport PR9 0LE

- 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 Mrs Cassandra Morgan against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/00697, dated 10 April 2019, was refused by notice dated 2 July 2019.
 - The development proposed is the change of use of the existing basement to 2No self-contained apartments.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide satisfactory living conditions for future occupants of flat 7, with particular regard to outlook and light.

Reasons

3. The appeal property is an attractive, double fronted building located on Albert Road, in an area characterised by similarly grand buildings. 14 Albert Road would have originally been a single house but has since been converted into 5 flats at ground and first floor levels. The building is set within a substantial plot, with an area at the front used for parking and a large garden at the rear. The front of the building is raised above ground level with steps up to the main entrance and, to the side, steps down to the basement.
4. I was able to enter the basement at my site visit, during which it was apparent that some work had already taken place in preparation for the proposed conversion. This had included the insertion of glazed doors at the front of the building and excavations to provide a separate amenity area at the rear.
5. The proposed basement conversion would create two flats, one on either side of the building. Flat 6 would occupy the full length of the property with main windows at the front and rear and an excavated garden area. An existing rear extension blocks off part of the basement and as a result, proposed flat 7 would occupy the front part of the building only. The submitted layout shows flat 7 as a studio flat with the main living accommodation in a single area and a bi-folding door to separate off the bedroom area.

6. The Council's Supplementary Planning Document – Flats and Houses in Multiple Occupation 2018 (SPD) recommends that for flats, each habitable room should have at least one window with a reasonable outlook and prospect. The main windows for flat 7 would be the glazed front door which would have additional side panels aligned with the bay window above. The lack of any other main windows serving flat 7 means that the outlook from the front windows would be particularly important to ensure reasonable living conditions for future occupants.
7. The sky would be visible through the front windows, but the outlook from the lower part of the windows would be of the brick boundary wall to the car park, and the steps up to the main entrance and down to the basement door. This sunken area would always be fairly dark and gloomy due to its low level and the orientation of the building, which faces towards the north west. The appellant has proposed measures to increase the levels of light through these windows and to make the area more attractive, including reducing the height of the car park wall, adding a glazed balustrade and planting to screen the car park. Despite these improvements, the outlook from these main windows would be poor, creating an unattractive living environment for flat 7.
8. I acknowledge that the bedroom for flat 6, which would be at the front of the building, would have a similar outlook as the main windows for flat 7. However, the kitchen and living area for flat 6 would be served by a south east facing glazed door with additional side panels. These rear windows would look out to an amenity area of approximately 15 metres in length which has already been excavated to the basement floor level. This would provide a much brighter and more attractive outlook for the main living areas than would be achieved for flat 7. As it is likely that more active time would be spent in the kitchen/living room area, the poorer outlook for the bedroom in flat 6 would be less critical.
9. An additional three windows would be inserted along the side elevations of both flats. These windows would look out to retaining walls and beyond to a boundary brick wall a short distance away. Whilst these would be secondary windows, whose primary function would be to provide additional light and ventilation, for flat 7 their equally poor outlook would do nothing to mitigate that of the main front window.
10. The proportion of opening areas to floor area would be acceptable in terms of Building Regulations for both flats. However, the 20% guideline is only just exceeded for flat 7 and all the windows would look out in part at least to solid walls within close proximity, which would limit the amount of light entering the flat.
11. To prevent accommodation from being dark and gloomy, the SPD says that internal floor levels should generally be no more than 1 metre below the existing ground level. This would be achieved at the front of both flats and, following excavation to provide the amenity area, at the rear of flat 6. Rising ground levels towards the rear of the site mean that the 1 metre guideline would not be achieved at the back of flat 7. The extent of excavation needed to accommodate the bedroom window would have further implications for the levels of light entering flat 7, which would receive very little, if any, direct sunlight. The bedroom area would be dark, even when the bi-folding doors were open, due to its position at the back of the flat. The kitchen area would be

situated at the back of the flat behind the bathroom and would be similarly dark and gloomy.

12. Overall, despite the improvements proposed by the appellant, I conclude that satisfactory living conditions would not be achieved at flat 7 due to poor outlook and insufficient natural light. The proposal therefore fails to comply with Policy HC4 of the Sefton Local Plan 2017; detailed guidance in the Flats and Houses in Multiple Occupation SPD 2018, and paragraph 127 of the National Planning Policy Framework, all of which are concerned with providing adequate living conditions for occupiers.

Other Matters

13. I note that information has been provided regarding tanking, insulation and ventilation in support of the application. Whilst I have no reason to question the details provided, these are matters which would need to be addressed through Building Regulations.
14. I acknowledge that the site is close to local facilities and public transport, and that there may well be demand for this type of accommodation in the local area. The proposed development would respect the character of the building and the wider area, and adequate provision could be made for on-site parking and storage for bicycles and bins. However, these matters are not sufficient to outweigh the harm to living conditions for the future occupiers of flat 7.
15. The appellant has directed me to two previous appeal decisions which they consider to be relevant to the consideration of this case¹. However, nothing in either appeal decision would lead me to a different conclusion in relation to the proposal now before me.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

R Morgan

INSPECTOR

¹ Appeal decision refs APP/M4320/W/18/3208965 and APP/M4320/W/17/3174284

