
Appeal Decision

Site visit made on 11 February 2020

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2020

Appeal Ref: APP/M4320/C/19/3238652

4 Litherland Road, Bootle L20 3B7

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Jan Clark against an enforcement notice issued by Sefton Metropolitan Borough Council.
 - The enforcement notice was issued on 30 September 2019.
 - The breach of planning control as alleged in the notice is without planning permission and within the last 4 (four) years the installation of an ATM and installation of a blue panel surrounding the ATM to the front elevation of the shop premises.
 - The requirements of the notice are to remove the ATM and blue panel surrounding the ATM from the shop frontage and reinstate the shop front as shown on the photo attached to the enforcement notice marked as APP 1.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

2. The main issue is whether the ATM and blue surrounding panel preserves or enhances the character or appearance of the Derby Park Conservation Area.
3. The appeal property is located within the Derby Park Conservation Area which is defined in the Derby Park Conservation Area Appraisal as a Victorian urban landscape which contains many fine buildings and much historic interest, which together, contribute to its special character and justify its designation. It is stated that Bootle appears to have remained as a small village until the mid-19th century at which time it was overlaid with a Victorian Town. The special interest of the Conservation Area, as set out in the appraisal, lies in its history, representing the unique development of the settlement.
4. The appeal property is located in Character Zone 1 'Village Centre' which consists of small, mostly terraced, houses and some shops and is characterised by its denser grain. The appeal property is a traditional two storey mid to late 19th century building identified in the appraisal as a building which retains original features, and which contributes positively to the area. It is a surviving historic building which together with surrounding buildings, provides some

sense of 19th century Bootle Village and makes a positive contribution to the significance of the Conservation Area.

5. The shopfront, prior to the installation of the ATM had two large display windows, broken at the top with horizontal transom rails, above deep stall risers, either side of a central recessed entrance. Whilst I understand it is not the original shopfront, it includes features which respect and reflect traditional shopfront design.
6. The ATM is a modern feature readily apparent in public views. Its design and form do not respect the architecture or traditional appearance of the building and, its installation has resulted in the vertical division of a display window which has disrupted the symmetry that previously existed across the shopfront. Consequently, the ATM and surrounding panel adversely affect the traditional integrity of the appeal building and do not preserve or enhance the character or appearance of the Conservation Area.
7. The appellant has submitted proposed plans which include retaining the ATM with no advertisement or illumination and reinstating the sill and glazing. However, these alterations would not overcome the harm in respect of the division of the display window and the modern appearance of the ATM.
8. Given the scale of the proposal within the context of the Conservation Area as a whole, I consider the harm to be less than substantial. Nevertheless, I am mindful that in the National Planning Policy Framework (the Framework) paragraph 193 says great weight should be given to the conservation of a designated heritage asset and paragraph 194 that any harm to such assets should require clear and convincing justification.
9. Paragraph 196 states that where a proposal would lead to less than substantial harm to the significance of such an asset, that harm should be weighed against the proposal's public benefits including, where appropriate, securing its optimum viable use. This requires a balancing exercise of harm against the public benefits of the proposal. In this case reference has been made to the benefits to the public of a free to use ATM and that it encourages people to visit local shops and spend money, therefore maintaining and enhancing the vitality and viability of the area.
10. The Council's submission shows that there is a fee for transactions and that there is a free to use ATM approximately 230m away and several in the nearby Strand Shopping Centre. There is no evidence to demonstrate that the presence of the ATM makes it more likely that people will visit and spend money in local shops. Consequently, these matters are of limited weight. That there have been no objections from residents is a neutral matter which does not outweigh my finding of harm.
11. Overall, the public benefits do not outweigh the great weight that I am required to attach to the heritage asset's conservation. Accordingly, I conclude that the development does not accord with the design and heritage protection aims of Policies EQ2, NH9 and NH12 of A Local Plan for Sefton Adopted April 2017. It also fails to accord with national policy which seeks to conserve and enhance the historic environment.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR