The Planning Inspectorate

Appeal Decision

Site visit made on 25 August 2020

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th September 2020

Appeal Ref: APP/M4320/W/20/3253636
123 Peel Road, Bootle, Merseyside L20 4JX

- 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 Mr Ben Howes (Absolute Developments) against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2019/02284, dated 04 December 2019, was refused by notice dated 23 March 2020.
- The development proposed is change of use from storage/ workshop to 3 one bedroom flats.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development in the application form is change of use from storage/ workshop to 3 no. two bedroom flats. However, the Council accepted amended plans and the appellant agreed to change the description of the development. I have therefore determined the appeal on the basis of the plans that were considered by the Council and I have adopted the description from the decision notice and the appeal form in the banner heading above.

Main Issue

3. The main issue is whether or not the proposal would provide adequate living conditions for future occupiers, with particular regard to private outdoor space.

Reasons

4. The appeal property is a 3 storey former commercial building finished in brick and with a pitched roof. It is attached to a short residential terrace in a prominent corner location adjacent to Poets Park. It is in a densely developed primarily residential area characterised by traditional terraced properties with small or no front gardens and small enclosed rear yard and garden areas.

5. The appeal building is immediately adjacent to the footways on both Peel Road and Moore Street and it has residential properties on the remaining 2 sides. The building fills the entirety of its plot. Consequently, while the proposal would provide small balconies approximately 3 metres square for future occupiers of the first and second floor flats, future occupiers of the ground floor flat would not have access to any private or communal outdoor space.

6. The Sefton Council Flats and Houses in Multiple Occupation Supplementary Planning Document Adopted June 2018 (the SPD) sets out a minimum outdoor space requirement of 20 metres square per flat. While the SPD does allow for some flexibility in provision, it states that the Council will not accept no outdoor amenity space or space that is significantly below the standard. In this respect, the proposal clearly falls significantly short of the minimum standards.

7. Well-designed and functional external space is widely understood to promote the health and well-being of residential occupiers. In this case, the lack of external space for the ground floor flat and the very small balconies for the upper floor flats would not be adequate to meet the basic needs of future occupiers, taking account of their requirements including sitting out and the drying of clothes.

8. While the balconies would be just large enough to accommodate some limited seating, I am not convinced that they would provide a functional and readily usable outdoor area. The provision of laundry dryers in each flat would not compensate for the lack of outdoor space. Furthermore, while public open spaces, both in the immediate area and further afield, are suitable for recreational purposes, they are not adequate to meet the reasonable daily needs of residential occupiers.

9. It is not always possible for converted buildings to be provided with large, or indeed, any garden area. In this regard, the SPD acknowledges that a lower amount of amenity space may be acceptable in exceptional circumstances including where the proposal is in an accessible location and where the re-use of the building has significant community or regeneration benefits.

10. In this case, the appeal site is in an accessible location with regard to services and facilities and public transport. The re-use of the vacant building would make a small positive contribution to the character and appearance of the immediate area. However, the building does not appear to be of particular architectural or historical merit, such that its retention would not be a significant community benefit. The proposal would make a limited contribution to the supply of housing and there would be negligible social benefits. On the basis of the evidence, the proposal would result in primarily private benefits for the appellant and very limited community and regeneration benefits. There do not appear to be any exceptional circumstances to justify substandard living conditions.

11. I accept that the surrounding terraced properties have limited outdoor space, and that the rear yards and gardens are likely to be in shadow for part of the day. Nevertheless, they provide a functional area of private outdoor space for the occupiers of those properties. In any case, the historic outdoor space provision associated with traditional terraced properties is not justification for a modern proposal that would provide extremely limited and no outdoor space.

12. My attention has been drawn to variation in outdoor space standards for flats between different local authority areas. However, proposals must be considered in the context of the relevant development plan rather than local policies and guidance that apply elsewhere in the country.

13. Therefore, the proposal would not provide adequate living conditions for future occupiers, with particular regard to private outdoor space. It would conflict with Policy H4 of A Local Plan for Sefton Adopted April 2017 and the guidance in the

SPD. These require, among other things, that development involving the conversion of buildings into flats should avoid significant harm to living conditions of the occupiers, including through the provision of an adequate area of private or communal outdoor space. It would conflict with the residential amenity aims of the National Planning Policy Framework (the Framework).

Other Considerations

14. The proposal is in a suitable accessible location for new residential development. The evidence indicates that it would provide adequate internal living accommodation for future occupiers and there would be no harm to the living conditions of neighbouring occupiers. However, these are requirements of planning policy and they do not weigh in favour of the scheme.

15. While the principal windows of the flats would overlook the Poets Park entrance, it is already overlooked by numerous neighbouring properties. The additional surveillance arising from the scheme does not therefore weigh in favour of the proposal.

16. I accept that the building has not been in commercial use for a number of years. However, there is little before me to demonstrate that the building is no longer suitable for a commercial use. Even if residential use is the most appropriate use, it has not been demonstrated that there are no alternative solutions, including amended internal layouts, that could provide access to outdoor space, albeit limited, for all future residential occupiers.

17. My attention has been drawn to a 2004 planning permission for the conversion of the building to a single dwelling. No details of that scheme have been provided. However, the permission is lapsed and it was in any case determined in a different policy context prior to the adoption of the local plan and the Framework. It is not a fallback position and it does not justify the proposal.

18. While derelict buildings may be targets for crime and anti-social behaviour, the appeal building is a prominent location in a densely populated area and it appears to be reasonably well secured. There is little before me to suggest that the building has been subject to damage or trespass. Therefore, this is a matter that carries little weight in favour of the scheme.

Conclusion

19. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh the conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR