



Appeal Decision

Site visit made on 12 October 2020 by L Wilson BA (Hons) MA MRTPI

Decision by K Taylor BSC (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/M4320/W/20/3256645
104 Linacre Road, Litherland L21 8JT

- 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 France (DGF Asset Management Ltd) against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/00185, dated 31 January 2020, was refused by notice dated 18 May 2020.
 - The development proposed is conversion of two bedroom flat into two, one bedroom flats, at 1st and 2nd floor level.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appellant states that the reference on the plans to subdivide the rear amenity space is withdrawn and instead the amenity space would be a communal area serving both flats. Generally, proposals cannot be amended through the appeal process. Where an appeal is made it is made against the decision of the Council and based on the plans submitted at the application stage. The proposed amendment has not been subject to any consultation.
4. To consider an appeal on the basis of the amended proposals without the ability to undertake a revised consultation exercise would be unfair and could prejudice the position of those who may wish to comment on the revised scheme. Consequently, I recommend that the appeal is determined on the basis of the plans originally submitted to the Council. Any amended proposal would be a matter for the Council to consider.

Main Issue

5. Whether or not the proposal would provide acceptable living conditions for future occupants, having regard to the provision of internal living space and private outdoor space.

Reasons for the Recommendation

6. The appeal relates to a three-storey mid terraced building with a retail unit at ground floor and residential accommodation above. There is presently no direct access from the existing flat to the amenity space to the rear which is currently in poor condition.
7. The Flats and Houses in Multiple Occupation Supplementary Planning Document (2018) (SPD) provides guidance in relation to minimum size standards to ensure flats are large enough to provide suitable accommodation. It sets out that one-bedroomed flats should have a minimum gross internal floor area of 37sqm. The guidance is based on the number of bedrooms rather than the number of people occupying a unit and is applicable to existing building conversions. Both flats would conflict with the SPD as they would have an internal floor area of around 31.5sqm and therefore would not meet the minimum standards in this regard.
8. The drawings show that both of the flats would have an open plan kitchen/ lounge/ dining area. Due to the size of the bedroom, future occupiers would spend a reasonable amount of time within this room. The open plan area, and accommodation as a whole, would feel cramped and would not provide adequate space for occupiers' day-to-day needs.
9. The SPD also requires a minimum of 20sqm of private outdoor amenity space per flat. The submitted drawing shows that each flat would have approximately 12sqm of private amenity space. Although the combined amenity space would be marginally less than that required by the SPD, the proposed layout falls considerably short of the minimum standards.
10. The SPD states that in limited exceptional circumstances the Council may accept a lower amount of amenity space if it is not possible to meet these standards. I acknowledge that there is public open space nearby which I visited on my site visit and the proximity of local services and public transport. I also note that the surrounding terraces have small amenity spaces. Nonetheless, I do not consider that the appeal scheme amounts to an exceptional circumstance. The proposed private outdoor space would not provide sufficient space for informal recreation, drying clothes and socialising. The combination of the size of the internal floor area and private amenity space which both do not satisfy minimum requirements would result in poor quality accommodation.
11. The Council has not raised the bedroom sizes as an issue. The appellant asserts that both flats would be for one person. Based on the evidence submitted, I am satisfied that the scheme would comply with the SPD in this respect as the flats would meet the minimum bedroom size of 8.5sqm.
12. For these reasons, the proposed development would not provide acceptable living conditions for future occupants, having regard to the provision of internal living space and private outdoor space. The proposal would conflict with Policy HC4 of a Local Plan for Sefton (2017), the SPD and the National Planning Policy Framework which seek, amongst other matters, to ensure new development provides a high standard of amenity for future occupiers.

Other Considerations

13. The appellant asserts that the current layout is both uneconomical and difficult to let. I understand that they have prospective tenants on a waiting list for

single occupancy flats. However, they have not submitted any substantive evidence to demonstrate that the current layout is not viable and difficult to let. This is not a consideration which would outweigh the harm identified above.

14. Both the Council and appellant have drawn my attention to appeal decisions¹. I do not have full details of the circumstances that led to these decisions and each application and appeal must be determined on its own merits. In any event, the appeal decision highlighted by the appellant relates to a different Council. It appears that the Council did not have a supplementary planning document which required minimum internal size standards or minimum standards for outdoor amenity space and therefore cannot be directly compared to the scheme before me. The Inspector in the appeals submitted by the Council has given weight to non-compliance with the SPD. My conclusions relate to the specific circumstances of the appeal case and reference to other schemes does not lead me to alter my recommendation.

Conclusion and Recommendation

15. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

K Taylor

INSPECTOR

¹ 3204719, 3169120, 3144766