



Appeal Decision

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

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2020

Appeal Ref: APP/M4320/W/20/3257347

12 Burbo Bank Road North, Blundellsands L23 8TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Pete Wild against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/00643, dated 16 April 2020, was refused by notice dated 29 May 2020.
 - The application sought planning permission for the erection of 2 detached two storey dwellinghouses after the demolition of the existing house without complying with a condition attached to planning permission Ref DC/2016/01978, dated 27 April 2017.
 - The condition in dispute is No 2 which states that: The development hereby granted shall be carried out strictly in accordance with the following details and plans :- Amended Drawing Numbers P007R1, P008R1, P009R1, P010R2, P011R2 and P012R2 received by the Council on 27th October 2016.
 - The reason given for the condition is: To ensure a satisfactory development.
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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.

Application for Costs

3. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Preliminary Matters

4. I noted on my site visit that the development had been carried out. On that basis Condition 2 has been breached and section 73A of the 1990 Town and Country Planning Act applies. From the evidence before me, it is clear that the proposal is to retain the development that has already occurred, and I have dealt with the appeal on that basis.

Main Issues

5. The proposal seeks to vary condition 2. The Council's main objection relates to the alterations to the second floor and the alternative facing material.
6. The main issues are:
 - i. The effect of the amended second floor and the alternative facing material on the character and appearance of the surrounding area; and
 - ii. The effect of the amended second floor and the alternative facing material on the living conditions of the occupiers of No. 10 Burbo Bank Road North (No. 10) and No. 11 Margaret Road (No. 11), with particular regard to outlook from the gardens.

Reasons for the Recommendation

Character and Appearance

7. The appeal site is located in a residential area and overlooks an area of open space and Crosby beach. The alterations to the second-floor level has resulted in the height of the dwellings being increased by approximately 775mm, for the back 6 metres of the properties, and the previous void filled in. It is common ground between the main parties that originally planning permission was granted for the dwellings to be finished in white render. The approved footprint of the two dwellings has not altered.
8. The design, scale and massing of properties vary within the local area. Nonetheless, the area is characterised by two and three-storey buildings with pitched roofs. Light coloured render and brick are the predominant walling materials. Clay and artificial tiles are the predominant roofing materials, with occasional use of natural slate.
9. The white render used on the front elevation helps to soften the impact of the dark slate. The side and rear elevations, which are visible from public vantage points, are not broken up by any render. The grey slate and alterations to the second-floor results in the buildings appearing more prominent than the scheme approved. The slate draws the eye and results in the dwellings appearing unduly dominant because it is a stark contrast to the surrounding colour palette. The slate does not harmonise with the surrounding building materials and appears incongruous when set against the light coloured render of the immediately adjacent properties.
10. The approved three-storey dwelling at No. 14 would help to screen views of the northern side elevation. However, I give this limited weight as the approved dwelling has not been built. In any event, even if No. 14 was built, the alterations would still be conspicuous from the surrounding area. The neighbouring property, No. 10, has a single-storey garage adjacent to the common boundary and a pitched roof. Therefore, when travelling in a northerly direction, along Burbo Bank Road North, the grey slate on the side elevation is striking.
11. The alterations to the second floor further add to the dominance of particularly the rear elevation of the buildings as there is a lack of detailing and features. Margaret Road is to the south and rear of the site and is largely characterised by rendered dormer bungalows. The alterations to the second floor are clearly

visible along sections of Margaret Road. The amended scheme results in the rear elevations appearing bulkier due to the increase in massing to the second floor and the change to a darker, more imposing, material.

12. The appellant considers that dark elevational materials have been accepted elsewhere and has drawn my attention to other dwellings within the local area. On my site visit I observed that there are similarities between the appeal site and No. 20 Burbo Bank Road North (No. 20) in terms of their design and materials. When viewed from Burbo Bank Road North, the dark materials used at No. 20 is less intrusive as the second floor, northern side elevation and part of the first floor are rendered. The second floor is also stepped in from the main side elevation and from the front which results in the dwelling appearing less bulky than the scheme before me.
13. The extent of dark materials approved at No. 14 also appears significantly less than the scheme before me, being largely limited to the rear elevation. The mix of materials approved at No. 14 and the use of stepped elements breaks up the massing of the dwelling. Consequently, the appeal scheme cannot be directly compared to other dwellings and approvals in the local area due to the extent of visible dark grey slate and the flush design of the upper floor.
14. For these reasons, the development has an adverse visual effect upon the character and appearance of the surrounding area. Accordingly, it conflicts with Policy EQ2 of a Local Plan for Sefton (2017) (LP) and the National Planning Policy Framework (the Framework) which seek, amongst other matters, to ensure development responds positively to the character, local distinctiveness and form of its surroundings.

Living Conditions

15. Policy HC4 does not explicitly refer to overbearance or dominance in relation to garden spaces. Nevertheless, it does require developments to be designed so there would be no significant reduction in the living conditions of the occupiers of neighbouring properties. I note that the pre-application response in relation to the original scheme did not raise any issues in terms of the proposal's impact upon neighbouring gardens. However, that response did not explicitly refer to proposed materials and the comments note that the submitted plans were not drawn to scale. The current drawings show that there is a separation distance between 15.66 and 17.35 between the new dwellings and the common boundary shared with No. 11.
16. The rear and side elevations of the original scheme would undoubtedly have been prominent from the rear gardens of No. 10 and No. 11, but the Council was satisfied that the impact was within acceptable limits. I do not question that conclusion but the living conditions of the residents of those properties is highly sensitive to changes in scale and materials due to the location of the site and relationship with neighbouring dwellings.
17. Due to the massing of the buildings, the slate is conspicuous from the rear gardens of both No. 10 and No. 11. The dark colour has an oppressive impact upon the outlook for the gardens. Whilst the increase in height is not substantial, it adds to the dominance of the new dwellings. The infilled element is also visible from the patio area of No. 10 and the garden of No. 11. Although the footprint of the buildings has not altered, the combination of the dark facing material, increase in height, infilled element, no set back or visual relief

results in the gardens of particularly No. 10 and 11 being dominated by the development and the scheme has an overbearing impact.

18. The amended scheme does not have an unacceptable effect upon occupiers of neighbouring dwellings in respect of loss of light, privacy or outlook from the properties, compared to the approved development. This is because the footprint of the dwellings has not altered, and no amended or new windows are proposed.
19. For these reasons, the development adversely affects the living conditions of the occupiers of No. 10 and 11, having regard to outlook from the gardens. The scheme conflicts with Policies HC4 and EQ2 and the Framework which seek, amongst other matters, to ensure new development does not cause significant harm to the living conditions of neighbouring properties.

Other Considerations

20. The appellant asserts that the material used is more durable than white render. I also note that they own No. 20 and after two years needed to repaint the external walls. I recognise that the sea front location results in the properties being exposed. However, notwithstanding that point, rendered properties remain common in the area and are generally well maintained. Whilst white render may require more maintenance than slate, the side and rear elevations would be more protected from the weather than the exposed frontage and I am not satisfied that any on-going maintenance savings are sufficient to outweigh the significant harm that I have identified in terms of living conditions and the character and appearance of the area.

Conclusion and Recommendation

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

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

22. 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.

Chris Preston

INSPECTOR