
Appeal Decision

Site visit made on 9 November 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/M4320/W/20/3257036

81A Banastre Road, Southport PR8 5BG

- 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 John Horn against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/00166, dated 24 January 2020, was refused by notice dated 14 April 2020.
 - The development proposed is described as 'replacing old dangerous workshop (built 1900's), with new workshop and vehicle storage area'.
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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. At the time of my site visit the steel structure and concrete slab of the proposed building were already in place. The structure on site spans the boundary of both Nos 2 and 4 Mosley Street whereas the submitted floor plan indicates that the proposal would be adjacent to the boundary of No 2 Mosley Street only. As the development has not been completed I have determined this appeal based on the submitted plans, however I will address this matter below.
4. The appellant has submitted amended plans with this appeal which indicate a building of a reduced scale and with a different footprint. However, the 'Procedural Guide – Planning Appeals – England' advises the appeal process should not be used to evolve a scheme. It is important that I consider the scheme on the basis of what was before the Council when they made their decision and on which neighbouring occupiers were notified. Amended plans that seek to overcome a Council's reasons for refusal should normally be submitted to the Council by way of a fresh application (Annexe M.1.1 and M.2.1). On that basis, and in the interests of procedural fairness, I have dealt with this proposal on the basis of the plans that were submitted with the original application.

Main Issue

5. The effect of the development on the living conditions of neighbouring occupiers at Nos 2 and 4 Mosley Street, with particular regard to outlook.

Reasons

6. The appeal site is a backland commercial site, occupied by a vehicle repair business. There are existing buildings on the site and permission is sought to erect a new building to be used in association with the existing business.
7. The submitted floor plan indicates that the proposed south east elevation of the building would be positioned close to the boundary with No 2 Mosley Street. It would be of a substantial length along this boundary and also of a considerable height above the existing fence. Additionally, the highest part of the building would be sited close to the boundary with No 4 Mosley Street. Due to this close relationship with both neighbouring sites, and the buildings substantial length and height, this proposal would introduce a solid mass which would create an overbearing sense of enclosure and result in an uninviting outlook for occupiers of Nos 2 and 4 when seen from their rear windows and gardens.
8. I note there are discrepancies between the submitted plans and the structure of the building which was on site at the time of my visit, in terms of the siting of the proposal. However, even if the building was erected on the footprint as indicated on site, it would nevertheless remain that it would introduce considerable massing within very close proximity to the boundaries and rear gardens of both Nos 2 and 4 which would result in a poor outlook and overbearing sense of enclosure for occupiers.
9. It is suggested that this proposal seeks to replace a previous building which was of a greater height and larger footprint. However, the photographic evidence before me indicates that the previous building had a dual pitched roof and a different footprint. Notably its longest side did not appear to be sited along the rear boundaries of properties on Mosley Street. Therefore, whilst the previous building may have been larger, due to its design and layout it appears to have been a less bulky and intrusive feature in the site when compared to the proposed building.
10. I acknowledge that the appellant seeks to renovate an existing building at the appeal site and that the proposal would facilitate the storage of parts and vehicles during renovations. However, this proposal does not seek temporary permission and the proposed building and the harm it would cause would remain long after any renovations were completed.
11. Consequently, due to its scale and siting, this proposal would harm the living conditions of occupiers at Nos 2 and 4 Mosley Street with particular regard to outlook. It would therefore conflict with Policy HC3 of A Local Plan for Sefton (April 2017) which seeks to ensure non-residential development in a primarily residential area will not have an unacceptable impact on the living conditions of neighbouring properties.

Other Matters

12. I acknowledge that the proposed building could increase business through the ability to store, repair and renovate taller vehicles, which may in turn create further employment. However, due to the scale of the proposal, these

economic benefits would be limited and would not therefore outweigh the harm to the living conditions of neighbouring occupiers as identified above.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR