



Appeal Decision

Site Visit made on 8 December 2020

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/M4320/W/20/3258714

Flat 1-6, 45 Stanley Road, BOOTLE, L20 7AW

- 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 S Gerber against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/02007, dated 23 October 2019, was refused by notice dated 6 March 2020.
 - The application sought planning permission for the change of use of ground floor from retail (A1) and the first and second floors to 6 one bed apartments (C3) including alterations to the front and side elevations, without complying with a condition attached to planning permission Ref DC/2019/00163, dated 27 March 2019.
 - 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:
Drawing No. A/605/LP Location and Block Plans
Drawing No. A/605/02E Proposed Floor Plans
Drawing No. A/605/04D Proposed Elevations
 - The reason given for the condition is:
To ensure a satisfactory development.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of ground floor from retail (A1) and the first and second floors to 6 one-bed apartments (C3) including alterations to the front and side elevations at Flat 1-6, 45 Stanley Road, BOOTLE, L20 7AW in accordance with the terms of the application, Ref DC/2019/02007, dated 23 October 2019, subject to the following conditions:
 1. The development hereby granted shall be carried out strictly in accordance with the following details and plans:

A/605/LP – Location and block plan
A/605/02F – Proposed floor plans
A/605/04D – Proposed elevations
 2. No part of the development shall be brought into use until space and facilities for cycle parking have been provided in accordance with the approved plan and these facilities shall be retained thereafter for that specific use.

Background and Main Issue

3. Planning permission was granted in March 2019 for the change of use of 45 Stanley Road Bootle to form 6 one-bed apartments, subject to five conditions. The development has now been carried out, but the alteration of the ground floor corner elevations has not been constructed in accordance with the details shown on approved drawing ref A/605/04D. The appeal proposal seeks to vary condition 2, to enable the new corner elevation to be retained as built. However, the Council consider that this deviation from the approved scheme causes harm to the character and appearance of the area, and refused the application on that basis.
4. A further change to condition 2 is also sought, to enable the retention of the cycle storage area in the external yard, rather than inside the building, as shown on approved drawing no. A/605/02E. Whilst noting that this change does result in a loss of private amenity space for the residents, the Council has not raised an objection to this element of the proposal.
5. The main issue is therefore the effect of varying condition 2 on the character and appearance of the area.

Reasons

6. The appeal site is a corner property in a large three-storey terrace fronting onto Stanley Road, which is a main route between Bootle and central Liverpool. This terrace, like similar blocks along the street, has an air of decline, but remains grand and imposing in appearance, and makes a significant contribution to the character of the area.
7. At ground floor level the terrace is occupied by shop units, some of which are vacant. Above the shop fronts, at first and second floor level, the original pattern of fenestration along the terrace is largely intact. The distinctive brickwork, with banding and decorative details around the windows, strongly define the character of the building, despite the variation in the shop fronts at street level.
8. The approved scheme involves the replacement of the corner shop front with a brick wall incorporating three windows. The approved drawing indicates materials to match the existing building, and banding and detailing around the windows. I appreciate that the original brick colour is now indistinct, but the light coloured facing bricks which have been used in the built scheme do not reflect the darker colour of the rest of the building and adjacent shop fronts. As a result, the replacement brickwork fails to respect the appearance and character of the existing building. The pale colour draws attention to the new corner elevation, which appears highly prominent along this major thoroughfare.
9. The decorative brick and stonework details on the first and second floors of the terrace draw attention to the windows, and increase their visual prominence on the main elevations of the building. The approved scheme involved a much simpler elevation than that of the floors above, but the incorporation of brick banding and the use of smooth red brick around the windows would have helped the development to harmonise with the existing building.

10. However, in the scheme as built, these features have been omitted, and the former shop front has been replaced with a largely featureless wall, which fails to reflect these important elements of the building. As a result, the windows on the new front and side elevations appear overly small within the otherwise blank frontages. Due to the colour of the brickwork and the lack of detailing, the development fails to respect the character and appearance of the existing terrace, and appears obtrusive within the wider streetscene.
11. I acknowledge that, by bringing the building back into use, the development has resulted in improvements to the appearance of the upper elevations, and has removed a vacant shop front which may have been unattractive. However, this does not justify the poor appearance of the new corner elevation. The new frontage is an important element of the scheme, which if retained as built, will cause lasting harm to the character of this prominent building.
12. I conclude that, in respect of the front and side elevations, the proposed variation of condition 2 causes harm to the character and appearance of the area. It conflicts with Policy EG2 of the Sefton Local Plan 2017, which requires that proposals make a positive contribution to their surroundings through the quality of their design, in terms of detailing and use of materials. There is further conflict with paragraph 127c) of the National Planning Policy Framework, which requires that developments are sympathetic to local character and history.

Other Matters and Conditions

13. The proposed change to condition 2 regarding the elevation drawings is not acceptable for the reasons described. However, the proposal also seeks to vary condition 2 to allow the retention of the cycle store outside of the building. This change to the approved floor plans, which was needed to enable electric meters to be installed, is acceptable, and I have varied condition 2 accordingly.
14. The original planning permission has already been implemented so I have omitted condition 1, which is no longer necessary, and renumbered the subsequent conditions. The Council has confirmed that conditions 4 and 5 have previously been approved, and therefore do not need to be repeated. Condition 3, which requires that space for cycle parking is provided and retained thereafter, is still necessary in the interests of sustainable transport, and I have re-imposed it.

Conclusion

15. For the reasons given, I have allowed the appeal insofar as it relates to the repositioned cycle storage area, and have varied condition 2 accordingly. However, in relation to the elevation drawings, the proposed variation of condition 2 conflicts with the development plan, and I have identified no other considerations which outweigh this finding. I have therefore dismissed this element of the appeal proposal.

R Morgan INSPECTOR