



Appeal Decision

Site Visit made on 9 March 2021

by Sarah Manchester BSc (Hons) MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 1st April 2021

Appeal Ref: APP/M4320/W/20/3263747

51 Oxford Drive, Waterloo, Liverpool L22 7RY

- 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 Dr Thomas Lee against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01851, dated 15 June 2020, was refused by notice dated 18 November 2020.
 - The development proposed is Conversion and extension of height of the existing garage to an independent accommodation for letting purposes (Alternative to DC/2020/01010 refused 08/09/2020).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is described in the application form as 'Further to planning application DC/2010/01010 seeking approval for subsequent use of a permitted annex as independent accommodation for letting purposes which was refused. This application makes minor amendments to the plans to include private amenity space to appease the previous reason for refusal.' In the interests of clarity, I have adopted the description from the decision notice and the appeal form in the banner heading above.
3. Permission¹ was granted in June 2020 for conversion and extension in height of the existing detached garage to living accommodation as an annexe to No 51. As far as I am aware, the permission has not been implemented. The appeal scheme differs from the approved scheme in that the converted building would be a separate and independent residential unit and an area of private outdoor space would be provided to the front of the building.
4. The reason for refusal relates to the private outdoor space. However, both parties have submitted evidence to the appeal in respect of the internal living accommodation. Consequently, and taking into account the substantive nature of the issue, I am satisfied that neither party would be prejudiced by my consideration of it in the determination of the appeal.

Main Issue

5. Therefore, the main issue is whether the proposal would provide an adequate standard of living conditions for future occupiers.

¹ Ref DC/2020/00549

Reasons

6. The appeal site is a single storey garage and hardstanding between 51 and 49 Oxford Road. It is separated from No 49 by a low brick wall and narrow back lane that provides access to the rears of properties on Beach Bank. It is in a densely developed residential area with closely spaced semi-detached and terraced dwellings. It is close to Crosby Coastal Park, an area of open green space with grassland and sand dunes leading to the beach.
7. The proposal would include approximately 44sqm of outdoor space to the front of the building. Slightly less than half of the area would be used to provide a bin storage area, a pathway to the front of the dwelling and a passageway to the side providing access to the dwelling. The small front garden would be enclosed by means of a new low boundary wall to Oxford Road.
8. Sefton Councils New Housing Supplementary Planning Document Adopted June 2018 (the SPD) sets out the requirements for private and useable garden areas for houses. This indicates that 1-2 bed properties should have a minimum of 50sqm of useable space, excluding front gardens, although a lesser space may be acceptable where it is consistent with the character of the area or it is dictated by particular site constraints. The proposed front garden space would not meet the SPD standards and it would not meet the reasonable needs of future occupiers in relation to activities such as sitting out, the drying of clothes or for children's play. Future occupiers would have access to the nearby public open space, but opportunities for outdoor recreation would not compensate for the shortfall in private outdoor space.
9. There is variation in the size of gardens in the area, and dwellings on corner plots and the mid-terrace dwellings facing the coastal park have their useable garden space to the fronts of properties. However, the appeal building is a small detached garage facing Oxford Road. The proposal would not be a flatted development, nor a large dwelling in a large corner plot, nor part of a terrace facing the coast. It would not be consistent with the character of the area. The smaller gardens of historic and flatted development do not justify a proposal that would fail to meet relevant current standards.
10. The low boundary brick wall would be in keeping with the Oxford Road frontages. The appellant has suggested that the addition of trellis fencing above the wall would be consistent with the taller boundary treatments of corner properties, including No 51, and it would ensure an adequate level of privacy for future occupiers. Even so, a taller boundary treatment would not mitigate the adverse effects arising from the shortfall in outdoor space.
11. The proposal would be a market dwelling with approximately 42sqm of internal floor space over 2 storeys. There would be 1 bedroom and a small bathroom at ground floor level, with a first floor open plan kitchen and living area and a wc.
12. In the absence of local internal space guidance, my attention has been drawn to The Technical Housing Standards – nationally described space standard Adopted March 2015. This sets out requirements for gross internal floor areas for new dwellings at defined levels of occupancy. In this regard, a 1 bedroom 2 person dwelling over 2 storeys, as is proposed here, should provide a minimum of 58sqm gross internal area. Dwellings should also have a minimum floor to ceiling height of 2.3m for at least 75% of that area.

13. The proposal would not meet the minimum standard for even the smallest 2 storey dwelling, which is necessarily larger than a 1 storey dwelling to accommodate the circulation space required for stairs. Moreover, taking account of its height and shallow roof slope, the proposal fails to demonstrate that it would provide the necessary floor to ceiling heights. Consequently, while it would be adequate for ancillary use in connection with No 51, there is little compelling evidence that it would be suitable for permanent independent use.
14. My attention has been drawn to small residential units elsewhere in the area. In the absence of full details, including the particular circumstances or whether they were determined in the same policy context, I cannot be certain that they are directly comparable and they do not provide a justification for the scheme.
15. Therefore, the proposal would fail to provide an adequate standard of living conditions for future occupiers, with regard to both external and internal space. In its decision notice, the Council has cited Policy HC3 of A Local Plan for Sefton Adopted April 2017 (the LP), which states that new residential development will be permitted in primarily residential areas where consistent with other LP policies. In this regard, the proposal would also conflict with Policy EQ2 of the LP in relation to high quality design that protects residential amenity and meets the long term needs of residents, and functional outdoor spaces. It would conflict with the guidance in the SPD and the residential amenity aims of the National Planning Policy Framework (the Framework).

Other Matters

16. The proposal is in a suitable accessible location for residential development, in a popular area close to the coast. I accept that there would be a demand for a 1 bed property in this area, but this does not outweigh the harm.
17. The Framework encourages the development of under-used land and buildings, especially if it would help meet identified needs for housing where land supply is constrained. The Council can demonstrate a 5 year supply of deliverable housing sites and the proposal would not contribute towards meeting an identified housing need. The proposal would make a negligible contribution to the supply of housing and it would not make a positive contribution to local housing stock. There would be very limited economic benefits in the short-term during construction. Future occupiers would make a minimal contribution to the local economy and the local community.

Conclusion

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

Sarah Manchester

INSPECTOR