



Appeal Decision

Site Visit made on 22 March 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by M Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2021

Appeal Ref: APP/M4320/W/20/3264590

46A Hawesside Street, Southport, PR9 0TN

- 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 Jeff Stephenson against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01072, dated 17 June 2020, was refused by notice dated 15 October 2020.
 - The development proposed is to erect a 2 bed house on vacant site.
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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.

Main Issue

3. The main issues are:
 - the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook, and
 - whether the proposal would create satisfactory living conditions with particular regard to private amenity space.

Reasons for the Recommendation

Living conditions of neighbouring occupiers

4. The appeal site is an area of land adjacent to 46/46a Hawesside Street in a residential area characterised by a mix of detached and semi-detached dwellings. The proposed dwelling would be to the rear of the site due to the adjacent electricity substation.
5. Due to the position of the substation the dwelling would be set further back from the highway than the surrounding dwellings. The rear of the dwelling would therefore protrude beyond the neighbouring properties to the rear of the site, thus significantly limiting the distance between the rear of the proposal and the rear kitchen window of 34 Derby Road. This would result in an unacceptable limiting of the outlook available from the neighbouring property and would cause harm to the residential environment, exacerbated by the two-storey nature of the proposal.

6. I conclude that the proposed development would harm the living conditions of neighbouring occupiers with particular regard to outlook. Consequently, the proposal would not accord with Policy EQ2 of the Sefton Council A Local Plan for Sefton (2017) and the Sefton Council Supplementary Planning Document New Housing (2018) (SPD) which together seek to ensure, amongst other things, that the arrangement and layout of buildings protects the amenity of those within the site and adjacent to the site. It would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework).

Satisfactory living conditions

7. The proposal would incorporate two parking spaces to the front of the dwelling, one of which would be underneath a roof terrace accessed from the first floor. This roof terrace would create the only outdoor amenity space for the occupiers. This would not meet the guidance in the SPD which indicates that private and usable gardens for one and two bedroom houses should be at least 50m².
8. The appellant has suggested that the inclusion of one of the two parking spaces to the front of the dwelling within the calculations of amenity space would meet the requirement of the SPD. However, I am not persuaded by the evidence before me that future occupiers would not use them and that there would not be conflict between the need for parking and provision of private amenity space. In any event, I have to determine the appeal on the proposal and evidence before me.
9. I conclude that the proposed development would not create satisfactory living conditions with particular regard to private amenity space. Consequently, the proposal would not accord with Policy EQ2 of the Local Plan and the SPD which together seek to ensure, amongst other things, that the arrangement and layout of buildings protects the amenity of those within the site and adjacent to the site. It would also conflict with the Framework.

Conclusion and Recommendation

10. The proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal should be dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Seaton

INSPECTOR