



Appeal Decision

Site visit made on 20 September 2021

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2021

Appeal Ref: APP/M4320/W/21/3277692

9 Hawthorne Road, Bootle L20 2DG

- 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 Nesarasa against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/01792, dated 8 September 2020, was refused by notice dated 22 January 2021.
 - The development proposed is external alterations to the shop front to provide separate access and the formation of 1 dwelling to the first and second floors.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my visit, the host building appeared to be at least partly in use by 'Sun N Shade', manufacturers and suppliers of blinds. In addition, the projecting ground floor porch contained two doors, rather than a window and door as shown on the submitted existing plans. Notwithstanding this, and for the avoidance of doubt, I have assessed the existing building as shown on the submitted plans and not as it appeared at my site visit.
3. The Council's reason for refusal refers to paragraph 127 f) of the National Planning Policy Framework (the Framework). However, in July 2021, after the decision was issued and the appeal was submitted, the Framework was revised. The parties have been given the opportunity to comment on the implications of the revised Framework and in reaching my decision I have had regard to it including paragraph 130 f) which supersedes paragraph 127 f).

Main Issue

4. The main issue is whether future occupiers of the proposed dwelling would have satisfactory living conditions having particular regard to outdoor amenity space.

Reasons

5. The appeal site comprises a part three storey, two storey and single storey building located centrally within a short terrace of three and two storey buildings. At the time that the application was made, the host building was last in use as a gym but as stated above, it now appears to be in use in

connection with a business manufacturing and supplying blinds. The building fronts onto Hawthorne Road, with this part of the road comprising other short terraces of buildings containing a mixture of commercial and residential uses. The submitted site location plan and floor plans suggest that there may be a small yard area to the rear of the building but I was unable to verify this at my site visit.

6. The proposed dwelling would be provided with a dedicated access via a door within the ground floor front porch. The Council raises no objection to this aspect of the proposal and I note that the variety of building styles and appearances in the vicinity of the site means that this alteration would not be harmful to the host building or the character and appearance of the area.
7. The dwelling would be on the first and second floors of the host building and would not have access to any outdoor amenity space within the appeal site. Part 2 of Policy HC4 of the Sefton Local Plan¹ relates to development involving the conversion of buildings to flats and it states, amongst other things, that such development will be permitted where it will not cause significant harm to the living conditions for either the occupiers of the property or for neighbouring properties. Paragraph 8.51 of the explanation of the policy states that the Houses in Multiple Occupation and Flats Supplementary Planning Document June 2018 (SPD) provides more guidance on how the policy will be implemented. I therefore attach significant weight to the SPD.
8. Paragraph 31 of the SPD sets out a minimum standard for outdoor amenity space for flats as 20m² per flat. Paragraph 33 states that the Council may in limited exceptional circumstances accept a lower amount of amenity space if it is not possible to meet the standard but that under no circumstances will the Council accept the provision of no amenity space. Factors that may be relevant to whether a lower standard is acceptable include good access to a local centre and the re-use of an otherwise vacant building that has wider significant or community benefits.
9. As stated, in this case, no outdoor amenity space is to be provided and the proposal is therefore in breach of the relevant guidance in the SPD. Although I acknowledge the difficulties in providing outdoor amenity space for residents in buildings such as the host building, paragraph 34 of the SPD nevertheless requires applicants to take all opportunities to maximise amenity space within proposals. In this regard I note that there is a flat roofed single storey extension to the rear of the proposed flat which may have the potential to be used as a roof terrace. Moreover, it does not appear that other possibilities such as balconies have been considered. Consequently, on the basis of the evidence, I do not consider that all opportunities to maximise amenity space have been explored.
10. The proposal does appear to be within easy walking distance of community facilities and public transport and the re-use of the upper floors of the host building would provide some community and regeneration benefits. However, given that only one dwelling is proposed, these would be limited and would not be sufficient to outweigh the harm to living conditions that would result from the complete lack of outdoor amenity space for future residents.

¹ A Local Plan for Sefton adopted April 2017

11. In reaching my decision I acknowledge that it appears that there are many buildings like the host building in the area, the upper floors of a number of which may be in residential use and with constraints which make it difficult to provide outdoor amenity areas. I also acknowledge that under some circumstances buildings can be converted to flats without planning permission. Nevertheless, planning permission is required in this case and for the reasons stated above, I do not consider that the opportunity to provide outdoor amenity space has been fully explored as is required by the SPD.
12. In failing to provide any outdoor amenity space, the proposal is also contrary to relevant paragraphs of the Framework which seek to ensure well-designed places by ensuring that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130f). Whilst the upper floors of the host building may have been in residential use in the past, this does not justify acceptance of the proposal which fails to meet current policies and guidance.
13. Taking the above matters into consideration, I conclude that future occupiers of the proposed dwelling would not have satisfactory living conditions having particular regard to outdoor amenity space. The proposal is therefore contrary to Policy HC4 of the Sefton Local Plan, to paragraph 130f of the Framework and to relevant guidance in the SPD which seek to ensure, amongst other things, that satisfactory living conditions are provided for occupiers of residential development.

Conclusion

14. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR