
Appeal Decision

Site visit made on 30 May 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/M4320/D/22/3294584

Poplar Lodge, 15B Green Lane, Formby, L37 7DJ

- 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 & Mrs Martin against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01434, dated 28 May 2021, was refused by notice dated 28 January 2022.
 - The development proposed is side extension and alterations to gain more head height in current lean-to roof, with new front porch and alterations to existing roof at rear.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to the side following demolition of the existing side extension/garage, porch to the front and first floor extension to the rear of the dwellinghouse in addition to alterations to the roof to form a double-pitch at 15B Green Lane, Formby, L37 7DJ in accordance with the terms of the application, Ref DC/2021/01434, dated 28 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P_01 Location plan, P_03 Proposed ground floor plan, P_05 Proposed first floor plan, P_07 Proposed front elevation, P_09 Proposed rear elevation, P_11 Proposed side elevation 1, P_13 Proposed side elevation 2.
 - 3) The materials to be used in the construction of external surfaces of the development hereby permitted shall match those used in the existing building.

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. The description of development in the formal decision is taken from the Decision Notice rather than the planning application form, as this provides a more precise description of the development.

4. The reason for refusal on the Councils decision notice refers to Policy HC3 of the Sefton Council – A Local plan for Sefton (2017). The Council have confirmed that this is an incorrect policy reference and that Policy HC4- House Extensions, Houses in Multiple Occupation and Flats is the correct policy. I have been supplied with Policy HC4 and have determined the appeal with reference to it.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of the occupiers of No 15a Green Lane with particular regard to outlook.

Reasons for the Recommendation

6. The host dwelling is a previously extended two storey detached dwelling set back from the road. The property is set in an established residential area where there are a variety of house types, designs and landscaping which collectively, afford the area with an open and verdant character. The host dwelling is a relatively modern building, the proposed extensions would allow a remodelling of the internal layout.
7. Sefton Council House Extensions Supplementary Planning Document (2018) (SPD) advises that extensions should not have an overbearing effect on nearby properties, taking account of the position of the neighbouring windows and the way they face in relation to the extension. There should be at least 12m from blank 2 storey walls to neighbouring habitable rooms except in exceptional circumstances. In this case, the existing extension does not meet the guidance being closer to the neighbouring property than 12 metres.
8. The side elevation of the neighbouring property (No 15a) faces the side of the host dwelling and is separated from it by tall close boarded fencing, a path and landscaping. No 15a Green Lane is a single storey listed building with low level window openings serving both a bedroom and a kitchen in the side elevation. Due to the low level windows, the current outlook from these windows limited by the fence and the roof of the existing extension. Whilst the proposed extension would result in a higher rendered wall being visible from the neighbouring property the outlook would not be significantly additionally harmed by the proposal.
9. I conclude that the proposal would not result in a significant reduction in the living conditions of the occupiers of No 15a Green Lane with particular regard to outlook. It would therefore comply with Policy HC4 of the Sefton Council – A Local plan for Sefton (2017) which amongst other things, seeks to ensure that development should not have unacceptable impacts on the living conditions of neighbouring properties, in particular that there should be no loss of outlook on main windows of habitable rooms.

Other Matters

10. The host property lies within the Green Lane Conservation Area and the neighbouring property, May Cottage No 15a Green Lane is a Listed Building. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and preserving the setting of the listed building.

11. The Council, in determining the planning application concluded that the extensions would preserve or enhance the character or appearance of a conservation area and preserve the setting of the listed building, due to the design of the proposal and that there would be no significant alterations to the footprint of the building. From the evidence before me and my observations on site there is no reason to disagree.

Conditions

12. I have had regard to the conditions suggested by the Council in line with the advice in the National Planning Policy Framework and the Planning Practice Guidance. In addition to the standard timeframe condition, I consider that a condition requiring the development to be constructed in accordance with the approved plans is necessary for the avoidance of doubt. A condition regarding external materials is also necessary to ensure there would be no harm to the character or appearance of the appeal property or the surrounding area.

Conclusion and Recommendation

13. The proposal does not conflict with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding.
14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

J Hunter

INSPECTOR