



Appeal Decision

Site visit made on 26 July 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

Appeal Ref: APP/M4320/W/21/3288938

24, Poplar Avenue, Crosby L23 2SU

- 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 Bolger against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01901, dated 22 July 2021, was refused by notice dated 25 October 2021.
 - The development proposed is described as change of use of existing residential annexe to separate dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the Council's Decision Notice includes a description of proposed development that differs a little to that provided on the planning application form. As I have not been provided with any evidence that the appellant agreed to a change in the description, I have used the description originally provided. Additionally, it is clear from the submitted plans that the proposal includes minor changes to glazing on both the annexe and the main house.
3. The appellant submitted a revised site location plan, Dwg. No. 100 Rev 1, which did not form part of the plans on which the Council made its decision. The revised plan provides a little more detail than the previous location plan. I consider no one would be prejudiced by me accepting the plan at this stage, I have therefore made my Decision taking account of it.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or the appearance of the Moor Park Conservation Area (CA).

Reasons

5. I have a statutory duty under s72(1) of The Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, paragraph 189 of the National Planning Policy Framework (the Framework), which is a significant material consideration, advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

6. The CA derives its significance from a range of factors, including its character, which primarily comprises an area of low-density residential development consisting of large dwellings sited within spacious plots.
7. I accept that the building to which the appeal relates already exists and that the proposed physical alterations to it and the host property, number 24 Poplar Avenue, would barely alter their appearance. The appellant contends that there would be limited views of the development from the public realm, which I accept.
8. However, the proposal would result in the sub-division of what is currently a single residential plot with a single dwelling and associated ancillary outbuilding sited within it. The proposed 0.5 m dwarf brick wall and planter would separate the resultant plot from the existing, and the allocation of one of the existing 2 sets of access gates to each of the dwellings would provide a clear indication of the plot having been sub-divided. Additionally, visitors to the respective properties would clearly see that 2 dwellings in 2 separate plots had been created.
9. The appellant refers me to a recent decision of the Council to refuse planning permission for a new dwelling within the grounds of number 21 Poplar Avenue, due to the sub-division of that plot affecting the character of the CA. The appellant considers the appeal proposal is significantly different, as the building already exists. I accept that the 2 schemes are not directly comparable. However, the proposal would still result in sub-dividing the existing residential plot of one dwelling with associated annexe, to create 2 separate dwellings and associated plots.
10. Sub-dividing the existing plot would considerably reduce the generous size of the plot associated with the existing dwelling. Furthermore, the size of the plot of the proposed dwelling would be significantly smaller than the spacious size of the neighbouring residential plots within the CA. Consequently, the proposal would erode some of the key attributes of the character of the CA, ie large properties in spacious plots and the associated low density, attributes which greatly contribute to its significance.
11. The proposal would therefore neither preserve nor enhance the character of the CA. As such, it does not accord with policies EQ2 and NH12 of the Local Plan for Sefton, 2017, or heritage policies within the Framework. Collectively, and among other things, these policies require development to respond positively to the character of the surrounding area and preserve or enhance the character of CAs. I consider Policy NH1 is not relevant to the determination of the appeal as it relates to natural assets.
12. With regard to paragraph 202 of the Framework, I consider the proposal would result in less than substantial harm. Nonetheless, as advised in paragraph 199 of the Framework, I am required to give considerable importance and weight to the conservation of designated heritage assets. In such circumstances, the Framework advises that the harm should be weighed against any public benefits resulting from the proposal.
13. The appellant does not suggest that the proposal would provide any public benefits. However, I consider the provision of an additional dwelling would be a minor public benefit. That said, I consider such a minor public benefit does not

outweigh the significant harm the proposal would have on the character of the CA.

Other considerations, Planning Balance & Conclusion

14. The appellant suggests that many CAs include dwellings with coach houses where the coach houses have been converted to separate dwellings following the grant of planning permission. This is a very broad, generalised suggestion which does not allow for any meaningful comparison with the proposal to be made.
15. The appellant also proposes that permitted development rights could be removed by condition, to make the proposal acceptable. Although removing such rights is possible, preventing further harm to the CA in this way would not overcome, or mitigate against, the harm I have identified.
16. Although the proposal would create an additional dwelling, I have concluded that this benefit would not outweigh the significant harm to the CA I have found.
17. Bearing all the above in mind, there are no other considerations that would lead me to conclude other than in accordance with the development plan. For the reasons outlined, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR