



Appeal Decision

Site visit made on 24 August 2022

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 21st September 2022

Appeal Ref: APP/M4320/D/22/3301602

26 Elsworth Close, Formby, Liverpool, L37 2YS

- 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 Dodd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01677, dated 28 June 2021, was refused by notice dated 14 April 2022.
 - The development proposed is front and rear extensions, internal and external remodelling - to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for front and rear extensions, internal and external remodelling - to existing dwelling at 26 Elsworth Close, Formby, Liverpool, L37 2YS in accordance with the terms of the application, Ref DC/2021/01677, dated 28 June 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: Ref 12000.04 Rev A – Proposed floor plans; Ref 12000.05 Rev A – Proposed elevations; Ref 12000.06 Rev A – proposed sections and roof plan; Ref 12000.07 – location plan; Ref 12000.08 – Proposed site plan; Ref 12000.09 – Existing and proposed street elevations.
 - 3) Prior to the first occupation of the development hereby permitted, the first floor window to the side elevation serving bedroom 1 shall be fitted with obscured glazing to a specification of no less than level 3 of the Pilkington Glass Scale, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be retained in that condition thereafter.

Applications for costs

2. An application for an award of costs was made by Mr Dodd against Sefton Metropolitan Borough Council. That application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. No 26 is a 2 storey detached dwelling on the east side of Elsworth Close, close to the end of a residential cul-de-sac. It is part of a short row of non-matching properties that includes modest single and large 2 storey detached dwellings, the latter with prominent front garages. The varied sizes and styles of buildings and brick and render finishes results in a mixed character and appearance on the east side of the road. In contrast, the west side of the road is coherent with substantially matching 2 storey detached brick dwellings with front gable features and side garage extensions some of which have been built over. Properties are set back behind open frontages of varied depths.
5. The proposal would comprise a part 2 storey and part first floor extension to the front, a first floor side extension with a Juliet balcony to the rear, a single storey rear extension and an increase in the ridge height. The 2 storey frontage would have a wide pitched roof with 2 protruding roof gable features. The dwelling would be finished in render.
6. While it would be taller than the existing property, there are single storey properties to one side and 2 storey properties of varying heights to the other. Properties in the row vary in terms of their roof sizes and styles. Neither the increase in height nor roof alterations would disrupt a coherent roof scape. Similarly, while there would be a marked increase in the size and scale of the dwelling, the surrounding built environment is characterised by large 2 storey detached dwellings some of which have been extended. In this context, it is the neighbouring single storey properties that are anomalous in terms of scale. The proposal would not be disproportionately large, out of scale or overly prominent in the street scene or the area.
7. The street scene and the wider townscape are characterised by properties in a mixed palette of external materials, including brick, render and timber. Entirely rendered properties are uncommon. Nevertheless, taking into account the somewhat secluded cul-de-sac location, and the mixed surrounding built environment, I find that the rendered finish would not be unsympathetic or incongruous. The proposal would not be detrimental to nor would it diminish local character or distinctiveness.
8. The proposal would be visibly different from the existing brick and render dwelling with its asymmetric front gable feature. However, there is little evidence that No 26 is of particular architectural merit. Moreover, while the Council has concerns in relation to size, scale and materials, the proposal was not refused on grounds relating to its design. As such, while the proposal would alter the appearance of the original dwelling, I find no harm in this regard.
9. Therefore, I conclude that the proposal would not harm the character and appearance of the appeal property or the area. It would not conflict with Policy HC4(b) of A Local Plan for Sefton Adopted April 2017 or Policy ESD2 of Formby and Little Altcar Neighbourhood Development Plan 2012 to 2030 Adopted November 2019. These require, among other things, that proposals make a positive contribution to local character and that the size, scale and materials of development is in keeping with the original dwelling and the surrounding area.
10. In reaching this conclusion I am aware that not all of the alterations to nearby No 22 are in accordance with the planning permission (Ref DC/2015/00320).

Nevertheless, the evidence is that No 22 is now lawful development and it forms part of the street scene and the visual context for the proposal.

Other Matters

11. The proposal would be to the north of No 24 and it would not overshadow the neighbours. The oblique views from the Juliet balcony would not result in overlooking or loss of privacy. There would be no loss of outlook from the side facing window of No 24, this being an obscurely glazed secondary bedroom window. The side facing first floor window in the proposal would have potential to overlook No 24. However, this secondary bedroom window could be obscurely glazed to protect the neighbours' privacy without detriment to the living conditions of the occupiers.
12. The increase in the height of the roof and the conversion to a side gable end would increase the height and the extent of 2 storey wall close to the facing single storey side elevation of No 28. However, this would not adversely impact neighbouring habitable room windows. The 2 storey eaves height at the rear of the appeal property would be similar to existing with the bulk of the increase in height further forward on the side elevation. Consequently, any increased or different overshadowing to part of the rear garden of No 28 later in the day would not be detrimental to the neighbours.
13. Therefore, while I have taken into account the concerns of the neighbours, I agree with the Council that there would be no harm to residential amenity. Concerns about the location of the surface water drain are not a matter for the appeal. The concerns in relation to the accuracy of illustrated vegetation and finishes on the street scene plan do not alter my finding on the main issue.

Conditions

14. The Council has suggested planning conditions in the event the appeal was allowed. I have considered these against the relevant requirements of the National Planning Policy Framework. In addition to the standard condition limiting the lifespan of the planning permission, I have specified the approved plans in the interests of certainty. A condition requiring obscure glazing to the first floor side window is necessary to protect the privacy and the living conditions of the neighbouring residential occupiers.

Conclusion

15. For the reasons set out above, I conclude that the appeal is therefore allowed and planning permission is granted, subject to conditions.

Sarah Manchester

INSPECTOR