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# Appeal Decision

Site visit made on 17 January 2023

**by R Hitchcock BSc(Hons) DipCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 Jan 2023**

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**Appeal Ref: APP/M4320/W/22/3306590**

**227a Stanley Rd, Sefton, Bootle L20 3DY**

- 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 Ms Elizabeth Mawdsley against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2022/00416, dated 3 March 2022, was refused by notice dated 14 June 2022.
  - The development proposed is the conversion of upstairs flat to 2no. flats.
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## Decision

1. The appeal is allowed and planning permission is granted for the conversion of the first, second and third floors from 1 self-contained flat to 2 self-contained flats (C3) at 227a Stanley Rd, Bootle, L20 3DY in accordance with the terms of application Ref DC/2022/00416, dated 3 March 2022, 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: Plan ref. TQRQM22062140207820 – Location Plan and 227a Stanley Rd 002 Proposed.
  - 3) Before any part of the development hereby permitted is occupied, details of all arrangements for the secure storage of cycles at the site shall be submitted to and approved in writing by the Local Planning Authority. The storage arrangements shall be completed in accordance with the approved details before first occupation and shall be retained for that use at all times thereafter.
  - 4) Before any part of the development hereby permitted is occupied written details of all arrangements for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The storage arrangements shall be completed in accordance with the approved details before first occupation and shall be retained for that use at all times thereafter.

## Preliminary Matters

2. The description appearing in the banner heading above is taken from the planning application form. For the purpose of my decision, I have used the revised description referenced on the Council's Decision Notice. It does not change the development for which planning permission was sought but provides a clearer description of the development. Accordingly, I consider no party will be prejudiced by my use of it.

3. The appeal property lies within the Derby Park Conservation Area. There is no dispute between the main parties that the proposed development would not have an adverse effect on the character or appearance of the Conservation Area. Pursuant to the duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having considered the proposal and visited the site I concur with that view. This is because there would be no external alteration to the building. Accordingly, it is my view that the development proposed would preserve the designated area.

### **Main Issue**

4. The main issue is whether or not the proposal would provide a suitable standard of living conditions with particular regard to the provision of outdoor amenity space for prospective occupiers of the flats.

### **Reasons**

5. The site is a mid-terraced building. It has a commercial unit and outside yard at ground floor and residential accommodation on 3 floors above. In addition to circulation spaces, the upper floors are currently laid out to provide a single unit comprising 4 bedrooms, 2 bathrooms, a kitchen and a lounge.
6. The scheme would include the use of the first floor as a separate flat to the upper 2 floors. This would create a single bedroomed unit and a 2-bedroom unit.
7. Policy HC4 2b of the Local Plan for Sefton [2017] (the LPS) requires that the conversion of buildings into flats should not cause significant harm to the living conditions of occupiers of the property. The Sefton Council Flats and Houses in Multiple Occupation Supplementary Planning Document [2018] (the SPD) provides guidance on the desirable minimum area for outdoor spaces associated with flats. This seeks 20m<sup>2</sup> per unit. It states that where this cannot be achieved, factors such as location and wider benefits may be considered.
8. At my site visit, I saw that the existing yard area to the rear of the building is entirely hard surfaced and partly used for parking and storage. This was a similar arrangement to some neighbouring flats. According to the appellant, the yard is used in association with the commercial unit at the ground floor level. Although it could offer opportunities for cycle and bin storage, it would not be made available to occupiers of the proposed flats.
9. Despite that the units would provide accommodation above the Council's minimum room size guidance, the proposed arrangement would give rise to a conflict with the SPD. This states that under no circumstances will the Council accept the provision of no amenity space in conjunction with flat development.
10. Nevertheless, the issue must be considered with regard to the existing site circumstances, including the current extent of accommodation. The proposal would create an additional and separate residential unit. However, it would lead to a reduction in the total number of bedrooms across all floors. Even allowing for the greater potential for these to be used as double bedrooms, it would neither lead to a material increase in the occupancy of the building, nor be the introduction of new residential use. It is therefore difficult to conclude that the lack of private amenity space would give rise to planning harm when measured against the existing use of the building.

11. I acknowledge the potential benefits to health and wellbeing that could arise from the provision of private amenity space at the site. In this regard I note the Council's reference to a number of appeal decisions which were dismissed on the lack of it elsewhere. However, as the development is merely a reconfiguration of existing residential accommodation, is located close to Bootle town centre, local parks, recreational routes and accessible to a leisure centre, I find the requirement to provide it would be unduly onerous in the particular circumstances of the case.
12. Accordingly, whilst there would be a conflict with the Council's guidance relating to outside amenity space associated with new flat developments, I find that the lack of its provision would not conflict with Policy HC4 of the LPS as, compared to the existing arrangement, it would not result in significant harm to the living conditions of occupiers of a building already used for residential purposes.

### **Conditions**

13. The Council have suggested several conditions which I have considered alongside the advice in the National Planning Policy Framework and Planning Practice Guidance. I find some to be reasonable and necessary in the circumstances of this case. A number have been edited for precision and clarity. As the accommodation would not materially alter levels of occupation, nor change the current relationship with the ground floor unit or highway, I do not consider in this case that there is a clear justification for requiring additional sound insulation or mechanical ventilation.

### **Conclusion**

14. For the reasons above, I conclude that the appeal should be allowed.

*R Hitchcock*

INSPECTOR