



Appeal Decision

Site visit made on 12 January 2023

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2023

Appeal Ref: APP/M4320/W/22/3307412

102 The Serpentine North, Blundellsands, Crosby, Liverpool L23 6TJ

- 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 and Mrs Paul and Holly Finnegan against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01739, dated 1 July 2021, was refused by notice dated 6 June 2022.
 - The development proposed is the erection of a two-storey extension to one side, a part two storey/part single storey extension to the opposite side, a two-storey extension to the rear, single storey extensions to the front and rear of the dwellinghouse, a roof terrace and partial conversion of the existing garages.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council's reason for refusal refers only to paragraph 1.b. of Policy HC4 of A Local Plan for Sefton (April 2017) (the Local Plan) which states that:
'1. Extensions and alterations to dwelling houses will be approved where:...b. The size, scale and materials of development are in keeping with the original dwelling and the surrounding area;' The appellant contends that, if assumptions are made about the Council's opinion of the proposal when judged against paragraph 1 of Policy HC4 read as a whole, the Council's position is contradictory. Because no reference is made by the Council to other parts of Policy HC4 in their reason for refusal, it is not necessary for me to consider or conclude on the extent of any contradiction in this respect, and I have determined the main issue in this case by reference to the matters in dispute.
3. Paragraph 1.b. of Policy HC4 must be read in its entirety. It requires consideration of the effect of the size, scale and materials on the original dwelling, and consideration of the effect of the size, scale and materials of the proposed development on the surrounding area. Both requirements are necessary when considering whether the proposal is in conformity with the development plan. They are consistent with paragraph 130 of the National Planning Policy Framework (the Framework) because the proposal would not exist in isolation from other buildings, and it would be experienced in its physical context. That context includes the location of the appeal site in the Blundellsands Park Conservation Area (the Conservation Area). As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, including when defining the main issue.

4. The main issue is the effect of the proposed development on the character or appearance of the Conservation Area and its effect on the significance of this designated heritage asset.

Reasons

5. The appeal site is situated on The Serpentine North, a primary route through the Conservation Area. The appeal property is a relatively modern detached two-storey dwelling, faced mostly in dark brickwork, with a shallow pitched roof to its main part and flat-roofed single storey garages attached to the side. The dwelling is set back a short distance from the highway, having a hard surfaced parking area located behind a tall front boundary fence. Although there are various shrubs and trees along the front garden boundaries the dwelling is readily visible on all approaches to the site.
6. The Conservation Area is almost exclusively residential. Its significance derives from its origin in the nineteenth century as a planned housing area, developed to take advantage of the coastal location and accessibility created by railway links to Liverpool; and from its layout, spatial characteristics, and the quality of the buildings within it. The Conservation Area comprises mostly large, tall detached and semi-detached houses set in substantial grounds alongside wide, straight or, in the case of The Serpentine North, sweeping roads. Steep pitched and hipped roofs, along with tall chimneys play an important role in defining the appearance of the Conservation Area. These features are often the most prominent part of the buildings, even when views towards them are partially obscured by vegetation.
7. The existing dwelling is noted as being of neutral interest in the Blundellsands Conservation Area Appraisal (March 2008) (the CAA). Although the proposed development would utilise some structural elements of the existing dwelling, its appearance would be altered to the extent that virtually none of the original external features of the building would be retained. The appellant describes the proposal as an entirely new envelope which would look like a replacement dwelling, being a contemporary interpretation of an art-deco style villa.
8. The proposed development would result in the creation of a wide, flat-roofed mostly two-storey building with features, including fenestration, that give it a horizontal emphasis, particularly noticeable at the front elevation. In terms of its size and scale, the proposal would be in marked contrast to the prevailing form and appearance of dwellings in the Conservation Area which exhibit a distinctly vertical emphasis, including through the mainly steeply pitched roofs and tall chimneys. The dwelling as modified would be prominent and, in this context, would be visually incongruent when viewed close by and at distance from vantage points in and beyond the Conservation Area.
9. The appellant identifies some likeness between the appearance of the dwelling as proposed to be altered and that of the nearby house, Maeldune, particularly in respect of the inclusion of a roof terrace which would act as an elevated observation point. Maeldune is recognised in the CAA as being of undoubted architectural interest. However, notwithstanding its importance in that respect, the CAA concludes that Maeldune does not have any of the qualities that characterise the Conservation Area and does not contribute to its special character. From what I saw of Maeldune and the Conservation Area on my site visit I agree with that assessment.

10. While I note the appellant claims there are areas of common ground between the main parties, I have nothing before me from the Council indicating specific agreement on any matters. It would be unsafe for me to rely on the suggested areas of agreement on the proposal, which the appellant draws from the Officer's Report, given the Council's final decision on the planning application and the absence of any written confirmation expressing agreement on those matters from the Council.
11. The proposal would be readily visible from many locations beyond the appeal site. Due to its size and scale, the proposed development would result in the creation of a building which fails to exhibit the important design qualities characteristic of the Conservation Area and thus would not make a positive contribution to local character and distinctiveness. This would cause a significant and harmful change in the character and appearance of the area which would result in less than substantial harm to the significance of the Conservation Area as a designated heritage asset. In accordance with paragraph 199 of the Framework I give great weight to the conservation of this designated heritage asset.
12. Paragraph 202 of the Framework requires that less than substantial harm is weighed against the public benefits of a proposal. The appellant has not identified any public benefits, indicating that this is not necessary in view of their contention that the proposal would cause no harm to the Conservation Area, and that this matter is agreed as common ground between the parties. I have dealt separately with this contention above.
13. Representations supporting the proposal express the view that the existing property needs updating, there are several modern houses and extensions in the area, the juxtaposition of modern structures and heritage sites enhances the features of both, and that the investment will bring a new lease of life to the property. However, none of these generalised views weigh substantially in favour of the proposal and, other than the economic benefits associated with investment in property alterations, they do not represent public benefits.
14. The proposed development would provide additional habitable accommodation, but this would be a private benefit to the appellant. The proposal would provide an economic benefit to those businesses involved in building the extension. However, this would be relatively limited and short-lived and I attribute limited weight to this public benefit which would not outweigh the harm I have identified.
15. I conclude that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area and it would cause less than substantial harm to the significance of the Conservation Area as a designated heritage asset. The proposal would therefore conflict with Policy HC4 1.b. of the Local Plan which requires that the size, scale and materials of the development are in keeping with the original dwelling and the surrounding area. It would also conflict with the Sefton Council House Extensions Supplementary Planning Document (June 2018) for the same reasons, and it would be contrary to policies in the Framework which seek to conserve and enhance the historic environment.

Other Matters

16. Representations have raised several objections including doubts about the accuracy of a tree survey, the effect the proposal would have on trees, on protected species and habitats, on a nearby listed building, and on living conditions in respect of privacy, loss of light and overshadowing. However as these are not matters in dispute between the main parties, and because in any event I am dismissing the appeal due to the harm that would arise for other reasons, I need not address those matters further.
17. The Council indicate that a neighbouring dwelling has more recently been accepted as a non-designated heritage asset. However, I have not been provided with further details, and the effect of the proposal on any non-designated heritage asset is not a matter in dispute between the main parties. I am dismissing the appeal due to the harm that would arise for other reasons and I need not address this matter further.

Conclusion

18. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR