



Appeal Decision

Site visit made on 28 March 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref: APP/M4320/W/22/3310743

62 Trafalgar Road, Sefton, Birkdale PR8 2NL

- 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 Darren Rigby against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/00963, dated 13 May 2022, was refused by notice dated 20 October 2022.
 - The development proposed is described as '1no. demolition and erection of new-build dwelling.'
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs is made by Mr Darren Rigby against Sefton Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. The appellant submitted 2 letters of support at the final comments stage, which had previously been turned away for being submitted beyond the deadline for interested party comments. As the Council did not have opportunity to comment on their content, having regard to them would be prejudicial to its interests and I have not done so.

Main Issues

4. The main issues in relation to this appeal are the effect of the proposed development upon i) the character and appearance of the area and ii) the living conditions of the occupiers of No 60 Trafalgar Road, with regard to outlook.

Reasons

Character and Appearance

5. The appeal site consists of a detached bungalow of a horizontal form and fenestration pattern with a large, tall, hipped roof. It sits in-between 2 detached bungalows of which the front elevation of No 60 Trafalgar Road to the north, is identical in appearance and scale. The appeal property is sited on land slightly above Trafalgar Road and is angled marginally towards a central lawned space around which the road diverges, akin in appearance to a roundabout. As such, it occupies a prominent position within the street scene.

6. Located in a residential area, this part of Trafalgar Road comprises detached bungalows, dormer bungalows and 2-storey houses set in large plots. Most are from the inter-war period although some have been modernised more recently. The existing properties within Trafalgar Road are of differing designs, but this does not suggest a lack of uniformity. Large, hipped roofs with unbroken eaves are a dominant and unifying architectural feature, along with simply detailed front elevations, horizontally proportioned windows and sharply angled corners with occasional front facing gables. The consistent setback of buildings behind front gardens, many of which contain vegetation and low boundary walls, together with the gaps between dwellings and views of trees within rear garden areas, contribute to the pleasant, spacious and verdant character of the area. The scale of development diminishes from 2-storey houses to bungalows including the appeal site to the west of Trafalgar Road, reflecting the rise in land level towards the open space. This provides a consistency in the overall ridge height of the dwellings.
7. Whilst Policy EQ2 of A Local Plan for Sefton 2017 (LP) does not use the term or suggest that new development should be 'in-keeping' with surrounding development, it is nonetheless clear, that new development should respond positively to the character, local distinctiveness and form of its surroundings. There is no suggestion that designs for new development should slavishly replicate those of neighbouring buildings.
8. Designed to be art-deco in style, the proposed development would introduce a 2-storey dwelling onto the appeal site. It would generally respect the established building line to the front and density of surrounding development, as well as being orientated to face the same way as the existing bungalow.
9. The proposed street elevation¹ is clear that the eaves height of the proposed dwelling would be above that of the existing dwelling, and the bungalows to either side. This would result in a development of a significantly greater presence, mass and scale. The bulky detailing of the eaves and curved corners of the front elevation would emphasise its divergence from neighbouring architectural forms as described above.
10. In an attempt to keep the ridge of the roof down whilst simultaneously providing first floor accommodation, the proposed roof form would be of relatively shallow proportions. Three half dormer windows with flat roofs would also break the eaves line. These features in this instance would present a complicated form that would further weaken the limited presence of the roof and its contribution to the character of the street scene.
11. The art-deco style fenestration would be vertically proportioned extending through both storeys. Ornate features to the front elevation including corbelling, metal detailing and projecting balcony would combine with the scale of the proposed dwelling to produce a startling appearance, which would fail to assimilate with or positively respond to its surroundings as described above, despite the proposed use of a white render to the elevations. The prominent location of the appeal site near to the open space of Trafalgar Road, would exacerbate the discordant appearance of the proposed development.
12. The National Planning Policy Framework (the Framework) at paragraph 134 advises that significant weight should be given to outstanding or innovative

¹ Drawing number 3254-4400-P-01.

designs that help to raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Furthermore, the National Design Guide 2021 (NDG) advises that well-designed new development should respond positively to not only the features of the site itself but also the wider context. Both documents therefore do not advocate the need for statement architecture in all circumstances, but instead confirm that regard is also to be had to context. There is no substantive evidence that the proposed design of the dwelling is particularly innovative or outstanding. Even if the design could be considered to be high quality or well-designed in isolation, it is the failure to respect and respond positively to its surroundings as described above, that is the crux of the issue here.

13. I saw other art-deco style buildings nearby including the Grade II listed Round House, No 52 Waterloo Road and the Royal Birkdale Golf Clubhouse as well as the Grade II listed Garrick Theatre in the centre of Southport. These buildings make up a relatively small proportion of surrounding architectural forms and importantly, they do not form part of the street scene to which the appeal site forms part. In this regard, I do not find the proposal to be compliant with either the Framework or NDG. It appears the art-deco style has been chosen as a key design influence rather than the buildings that immediately surround the appeal site, which have been dismissed by the appellant as unremarkable, despite their age and quality. It is likely that an alternative scheme could take the opportunity to deliver a high-quality development that excites and improves the character of the area, but without causing the harm identified.
14. It is clear from the Council's officer report that in reaching its decision, a thorough consideration of the impact of the proposal on the character and appearance of the area was made. Although the Planning Practice Guide (PPG)² suggests that design review can be used to inform and improve design quality for small-scale development, it is not compulsory.
15. There is no substantive evidence before me to demonstrate that the Council is not qualified to assess the design merits of the proposal, or that it warranted independent scrutiny by a review panel. Neither is there any evidence that the appellant requested the involvement of a design review panel or were prepared to pay for such services. In any event, the PPG is clear that design review is most effective when applied at the earliest stage of the design development, which is not at the planning application stage.
16. The proposed dwelling would be harmful to the character and appearance of the area. As such it would conflict with Policy EQ2 of the LP which seeks amongst other things that new development responds positively to the character, local distinctiveness and form of its surroundings. Additionally, it would conflict with paragraph 130 of the Framework which requires development to be sympathetic to the surrounding built development, and to add to the overall quality of the area over the lifetime of the development.

Living Conditions

17. The form of the proposed dwelling would include a long rear projection that would replace the existing single storey flat roofed extensions abutting the boundary with No 60 to the north. Due to the depth of the projection and its 2-storey form with pitched roof above, the proposal would curtail the outlook

² Paragraph: 017 Reference ID: 26-017-20191001.

afforded to the rear window belonging to No 60 that is angled slightly towards the appeal site. The set back from the boundary would be relatively minimal and would not mitigate the depth of the rear projection or its height and bulk, particularly at first floor level. The proposed dwelling would therefore appear oppressive and enclosing when viewed from the rear window of No 60.

18. In addition to my observations the Council have applied the 45° angle test, which the proposal has failed due to the depth and height of the rear projection. Although that test is not set out in the New Housing Supplementary Planning Document 2018 (New Housing SPD), it is still a useful indicator of the impacts of the proposal on the outlook afforded to neighbouring dwellings. I note that the appellant provided a proposed site plan with window visibility splay drawing³ which clearly demonstrates the new dwelling would breach the test.
19. The New Housing SPD does not provide guidelines for specific separation distances in respect of adjacent tandem/parallel dwellings. However, it does require new development on linear streets to not extend significantly further than neighbouring properties at the rear. The rear projection would not comply with this requirement. Outlook contributes towards the standard of living conditions experienced by the occupants of a particular property. It is therefore an important and somewhat standard planning consideration in respect of new development adjoining existing dwellings, whether or not it is referenced within an SPD.
20. I see no reason not to apply Policy HC3 of the LP to this proposal, given that the explanatory text advises a key consideration in assessing development proposals in the Primarily Residential Areas (PRA), is the impact on the residential amenity of existing residents.
21. The proposal would have an adverse effect on the living conditions of the occupants of No 60, with regard to outlook. The proposal would therefore conflict with Policies EQ2 and HC3 of the LP which amongst other things, seek to ensure that new development protects the amenity of those adjacent to the site. It would also conflict with paragraph 130 of the Framework which seeks to ensure a high standard of amenity for existing users.

Other Matters

22. The Council's officer report raises concerns regarding the loss of sunlight (overshadowing) to No 60. However, they have not filtered through to the reasons for refusal. In light of my findings with regard to the main issues, this is not a matter I have had to explore further.
23. The appellant suggests that the onus is on the Council to demonstrate why the presumption of support for new residential development in PRA's established within Policy HC3 of the LP, should be set aside. Policy HC3 is not unqualified and instead offers support to such development, where consistent with other LP policies. The Council is clear in their assessment that the proposal contravenes policies within the LP. In forming my own view, I have found harm to the character and appearance of the area and the living conditions of neighbouring occupiers. Therefore, the proposal would be contrary to Policies EQ2 and HC3

³ Drawing number 3254-4104-P-01.

of the LP, such that the proposed dwelling would be contrary to the development plan taken as a whole.

24. The appellant considers the proposal to be sustainable development in accordance with the Framework, as it would provide economic benefit from the investment in its construction and a social benefit from the delivery of a new family home. It is further suggested that in being designed to meet current building regulation standards it meets the environmental objective of being energy efficient. However, there is little evidence before me to demonstrate the environmental impact of the demolition of the existing dwelling and there is no substantive evidence that renewable energy technologies would be included. These benefits therefore attract only modest weight.
25. Regardless, paragraph 12 of the Framework indicates that development that conflicts with an adopted development plan, should usually be refused. Moreover, the Framework shares similar aims to the development plan in terms of respecting an area's character and appearance and protecting the living conditions of neighbouring residents. Accordingly, I find the policies of the Framework, taken as a whole, not to weigh in favour of allowing the appeal.
26. The lack of objections from interested parties and technical consultees are neutral in the planning balance, weighing neither for nor against the proposal.
27. I note the appellant's advice that the appeal site lies within the Site of Special Scientific Interest Impact Zone of the Sefton Coast – Royal Birkdale Golf Course (009). Given that I am dismissing the appeal in relation to the main issues, it is not incumbent upon me to consider this matter further.
28. Pre-application engagement with the Council is said to have occurred prior to the submission of the proposal, details of which are not before me. In any case, the PPG is clear that pre-application advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application. Concerns regarding the way in which the Council dealt with the planning application is a matter for the main parties.

Planning Balance and Conclusion

29. The proposal for a replacement dwelling would help to support a prosperous economy and social wellbeing through the construction and occupation of a more energy efficient family-sized dwelling. However, the benefits in these regards from a single dwelling would inevitably be modest and would not outweigh the adverse effects I have found would be caused in relation to the main issues. For the above reasons, having considered the development plan as a whole, the approach in the Framework and all other relevant considerations, the appeal is dismissed.

M Clowes

INSPECTOR