



Appeal Decision

Site visit made on 11 September 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/M4320/W/23/3319327

18-20 Hawthorne Road, Bootle, Sefton L20 2DN

- 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 Edwards of EW Developments Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/01971, dated 5 October 2022, was refused by notice dated 19 January 2023.
 - The development proposed is conversion of ground floor to existing premises into self-contained apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity and accuracy, I have used the site address from the appeal form and decision notice rather than the planning application form.
3. Since the decision on the planning application was issued, the Council has adopted a Supplementary Planning Document titled 'Conversion to Flats and Houses in Multiple Occupation', dated May 2023. The Council has confirmed that this has replaced the Supplementary Planning Document, 'Flats and Houses in Multiple Occupation' dated June 2018, that it took into consideration when determining the planning application.
4. Appeal decisions must be based upon the development plan, national policy and supplementary planning documents that are in place at that time. Consequently, this appeal is determined in consideration of the May 2023 Supplementary Planning Document (the SPD).

Main Issue

5. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to outdoor amenity space, outlook, privacy and internal space.

Reasons

6. The appeal property is in a densely developed mixed area, comprising commercial and residential uses, characterised by terraced properties. It is sited on the corner of Hawthorne Road and Ursula Street at the end of a short terrace. An enclosed external yard area is located at the rear of the appeal site.
7. Policy HC4 of A Local Plan for Sefton (2017) (LP) states that development involving the conversion of buildings to houses in multiple occupation or flats

will be permitted where it will not cause significant harm to the character of the area or the living conditions for either the occupiers of the property or for neighbouring properties. Detailed guidance as to how LP Policy HC4 is to be implemented is set out in the SPD.

8. Of the three apartments proposed in the appeal scheme, only apartment 3 would have direct access to the outdoor amenity space through a door in the bedroom. The occupiers of apartments 1 and 2 would have to leave the building, walk along the pavement, and access the outdoor amenity space through a gate off Ursula Street. Such arrangements would be inconvenient and likely to dissuade occupiers from accessing and making use of this space. It would be contrary to the SPD requirement that residents should not have to leave the property and enter the space from a public highway.
9. Consequently, even if the amount of outdoor amenity space would accord with the minimum standards set out in the SPD, the proposal would fail to provide a high standard of amenity for all future occupiers in terms of provision of, and access to, outdoor space. Furthermore, there is no substantive evidence before me that demonstrates that substandard outdoor amenity space, in respect of access, should be accepted in this case.
10. The only window to the bedroom of apartment 1 would face onto the side wall of the adjoining property. It would fall considerably short of the minimum distance, set out in the SPD, between a main window in a habitable room on the ground floor and a blank wall. The substantial enclosing and dominating effect on the outlook from that window would be detrimental to the living conditions of the occupiers. Whilst this is an existing window it was not previously used as a habitable room and, therefore, the restricted outlook from that window did not adversely affect the living conditions of any occupant. As such, it is not directly comparable to the appeal proposal and the fact that it is an existing window does not provide a clear or convincing justification for that arrangement in the scheme before me.
11. It has been suggested that a suitable outlook to the bedroom of apartment 1 could be provided by adding a window on the rear elevation. Alternatively, it has been suggested that a studio apartment could be created where the bedroom would share the outlook from the window onto Ursula Street. However, it is my duty to consider the appeal based on the plans and documents that were determined by the Council and that are currently before me. Furthermore, I am not satisfied that such amendments would be minor and that it would be reasonable and appropriate to secure by a condition.
12. The intervisibility between, and proximity of, the glazing to the bedrooms of apartments 1 and 3 would adversely affect the living conditions of the occupiers of each apartment due to overlooking and loss of privacy. Furthermore, the bedroom to apartment 1, at 9.5 square metres, is below the 10.5 square metre minimum gross internal floor area for a main bedroom set out in the SPD now in place. This requirement applies whether it is a single or double room. Such a shortfall in accommodation further adversely affects the living conditions of the occupiers of apartment 1.
13. Consequently, I find that the proposed development would not provide satisfactory living conditions for future occupiers with particular regard to outdoor amenity space, outlook, privacy and internal space. It would therefore conflict with LP Policy HC4, the SPD and paragraph 130f) of the National

Planning Policy Framework, which seek to ensure new development provides a high standard of amenity for future occupiers.

Other Matters

14. The appellant has indicated that the property has been unsuccessfully marketed for a 3-year period and that there are no highway or environmental health objections to the proposal. Nonetheless, this does not justify allowing development which I have found to be otherwise harmful.
15. In response to the claim about lack of engagement during the application process, the Council indicates that they offer a pre-application service which the appellant did not utilise. Such matters do not, however, relate to the planning merits of the appeal proposal and, as such, fall outside of the remit of this decision.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
17. For the reasons given above the appeal should be dismissed.

Elaine Moulton

INSPECTOR