



Appeal Decision

Site visit made on 14 November 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/M4320/W/23/3320439

1B Castle Street, Southport, Sefton PR9 0NR

- 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 Southport Real Estate Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/00790, dated 14 April 2022, was refused by notice dated 30 March 2023.
 - The development proposed is alterations to previously approved application DC/2016/02348 Proposed alterations to single storey including additional GEA and roof composition.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The alterations to the building subject to the appeal appear to have been constructed already. In addition, the first-floor windows have had frosted film and blinds attached to them. However, I have determined the appeal on the basis of the plans before me.
3. Since the application was determined, the New Housing Supplementary Planning Document 2018 has been superseded by the New Housing Supplementary Planning Document 2023 (SPD). The minimum distance between dwellings or interface distances, relevant to this appeal are similar in both documents. Consequently, I have referred to the most up to date version of the SPD in my decision.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers on Castle Street with particular regard to privacy.

Reasons

5. The appeal site is a converted commercial premises to the rear of Castle Street with a pedestrian access from it. The alterations from the approved scheme (DC/2016/02348) include a single storey extension and a mansard roof to create an upper floor bedroom with roof windows.
6. The rear elevations of the dwellings on Castle Street face the converted building. There are some properties that have been extended so that the windows of the habitable rooms are close to the shared boundary between them and the appeal site. The proximity of the windows to the roof lights results in limited distances between them.

7. The roof lights serve the upper floor of the converted building and include habitable rooms such as a bedroom and living room. They are the only windows serving these rooms. At my site visit I saw that they had frosted film and blinds installed. Whilst this could reduce the overlooking of the neighbouring properties, if this were to be retained there would be no outlook for the occupiers from these rooms, which would harm their living conditions. In addition, this is not on the plans before me, so there is no mechanism to enforce against any future removal.
8. I note the illustration of the potential views from the roof lights by the occupiers of the proposal. However, due to the position at head height of the windows, the angle of the roof and their size, there would be direct overlooking to both the rear windows and outdoor amenity space of the properties on Castle Street.
9. I conclude that the proposal harms the living conditions of the neighbouring occupiers with particular regard to outlook and privacy. It conflicts with Policy EQ2 2 (c) of the Sefton Local Plan 2017 which seeks to ensure that development protects the amenity of those adjacent to the site. It would also conflict with the guidance in the New Housing SPD 2023 and the National Planning Policy Framework, which have similar aims.

Other Matters

10. I note the appellant's comments regarding feedback from the Council. However, I am only able to determine the appeal on the evidence before me and having regard to the planning merits of the case.

Conclusion

11. The proposed development conflicts with the development plan as a whole and there are no other considerations that outweigh this conflict. I therefore conclude that the appeal is dismissed.

H Senior

INSPECTOR