



Appeal Decision

Site visit made on 5 November 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2024

Appeal Ref: APP/M4320/W/24/3348675

1E Gloucester Road, Sefton, Birkdale PR8 2AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Martin against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2024/00093.
 - The development proposed is erection of one new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would preserve or enhance the character or appearance of the Gloucester Road Conservation Area; and,
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties with particular reference to outlook and privacy.

Reasons

Conservation area

3. The appeal site is located within the Gloucester Road Conservation Area (CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
4. Buildings within the CA host generous plots with a mixture of detached or semi-detached properties which have a variety of individualistic styles, typologies and ages. Despite this variation in design, older Victorian buildings utilise a red brick or render. This creates a blend of design but a similarity in the material palette of the properties which make up the CA overall. The Birkdale Park and Gloucester Road Conservation Area Appraisal 2008 notes that the spaces between properties, including the overall width of the streets, contribute to a sense of openness. This feeling of space is an important characteristic of the CA. Insofar as it relates to this appeal, the sense of space contributes to the significance of the CA.
5. Previously located within this area of the site was an annexe and garage which were attached to 19 Lulworth Road. The annexe and outbuilding had been demolished at the time of my site visit. These elements originally formed an

extension in the rear garden area of the host property and were single storey in form. Nevertheless, the evidence before me suggests that the two elements were of contrasting heights, with the annexe appearing taller than the garage element of this structure. However, the single storey nature of both the annexe and garage promoted the sense of openness within Gloucester Road and the appeal site. As such, 19 Lulworth Road and its surrounding open grounds which include the appeal site make a positive contribution to the significance of the CA.

6. The proposed dwelling would subdivide the plot of 19 Lulworth Road. It is the appellants contention that the annexe was a self-contained flat, which before its demolition, had been sub-divided from 19 Lulworth Road. However, the annexe and garage appeared as an extension to 19 Lulworth Road owing to its physical attachment and diminutive appearance to this building.
7. Its subdivision, and the placement of a two-storey dwelling much larger than the annexe and garage which were previously located within this space, would erode the feeling of space between 19 Lulworth Road and 1C Gloucester Road. Whilst eroding this sense of space, the proposed building would also appear confined within the appeal site and reduce the sense of space between these properties.
8. The appellant notes the closer relationship of space between 1B Gloucester Road and 1 Gloucester Road. Due to the absence of an officer report or decision notice for the development at 1B and 1C Gloucester Road, I cannot be certain of the reasoning behind this decision. The gap between these properties is not as large as the spaces between other buildings in the CA. However, there is a contrast in design between the two properties in this example such as the roof form of 1B Gloucester Road away from the boundary with 1 Gloucester Road. As such, this aspect and the lower height of 1B Gloucester Road creates a greater degree of space between the two properties when viewed from the CA, if only by a small degree.
9. The dwelling would be located opposite to Clairville flats. These flats host a modern appearance which is in contrast to the more traditional forms found within the CA. 1B and 1C Gloucester Road are also located next to the appeal site. These properties form a pair of semi-detached dwellings which are of a similar height and appearance to the proposed development, but have a greater width when viewed from Gloucester Road.
10. The dwelling would have a contemporary appearance through its use of a flat roof to the front canopy and large modern window features. However, despite its contemporary appearance, this would not be harmful when viewed in this particular position of the CA where different ages and styles are apparent. The use of red brick in the construction of the large facing elements of the building, grey roof tiles, sandstone detailing and black rainwater goods would be similar materials to those found within the CA. Therefore, although the proposal would not resemble the predominant form of the older buildings within the wider CA, this would not be harmful to its character or appearance. This is due to its position adjacent to a property of a similar appearance and opposite a large modern built form at Clairville flats.
11. The harm I have identified through the reduction in space would be less than substantial. I am therefore required by paragraph 208 of the Framework and

Policy NH12 of the Sefton Council Local Plan 2017 (LP) to weigh this harm against the public benefits of the scheme.

12. The proposal would provide an additional three-bedroom dwelling. This would generate jobs during the construction period and future occupiers would use local shops and services and generate Council tax receipts. The social and economic benefits are factors in the scheme's favour which carry moderate weight in my assessment.
13. I am required to give considerable importance and weight to any harm to a designated heritage asset, which the Framework states should be conserved in accordance with their significance. The moderate public benefits associated with the provision of one additional dwelling would not outweigh the harm I have identified to the character and appearance of the CA. The proposal is therefore unacceptable.
14. To conclude, the proposal would reduce the space between 19 Lulworth Road and 1C Gloucester Road. This would harmfully erode the open and spacious area between these properties and the character of the CA. The proposal would therefore fail to preserve or enhance the character or appearance of the CA and would conflict with Policies NH9 and NH12 of the LP. These policies seek to protect the character or appearance of conservation areas and the significance of Sefton's heritage assets, which specifically includes the spacious planned character of Victorian and Edwardian suburban conservation areas.

Living conditions

15. 1C Gloucester Road is located next to the appeal site. This neighbouring property hosts a window in the ground floor side elevation, which would look onto the appeal building. This window would have looked onto a garage which would have been sited closer to this window than the proposal. Whilst this has been taken into account, the proposal would be much taller than the previously sited garage with a featureless and blank elevation of a significant height. As such, this would harm the outlook to this window of 1C Gloucester Road.
16. 19 Lulworth Road is located on a corner plot to Gloucester Road and Lulworth Road. This neighbouring property is adjacent to the appeal site and features a window in its elevation which looks onto the appeal site. Owing to the height of the proposed dwelling, this window would look onto the proposed building at a similar height. Whilst the proposal would be in a similar position to the previous annexe and garage at 19 Lulworth Road, this was at a single storey height. Therefore, the outlook to this window was across the roof element of the previous structure before its demolition. As such, the proposal would cause harm to the outlook of the neighbouring property window.
17. 17 Lulworth Road is a sub-divided property which is located behind the appeal site. This subdivision has divided the property into No. 17 and 17A. The garden area which serves this neighbouring property is located in close proximity to the proposed building. The Sefton Council New Build Homes Supplementary Planning Document (SPD) notes the distances which should be established between residential properties. The SPD notes that a distance of 10.5m should be achieved from a habitable room window to the garden of a neighbouring property.

18. The proposed building would create two large windows at the first-floor level, one of which would be utilised as a bedroom. This would be sited at a much closer distance to the garden of 17 Lulworth Road than the suggested guidance found within the SPD. This would reduce the level of privacy currently enjoyed by the occupiers of 17 Lulworth Road when utilising their private amenity space.
19. It is the appellants contention on this matter that the proposal would meet the minimum requirements in the SPD for the provision of outdoor amenity space for a three-bedroom dwelling and as such, this would reduce the harm to the living conditions of 17 Lulworth Road. The concern of the SPD when providing the minimum outdoor amenity space requirements is to provide appropriate spaces for outdoor activities for new dwellings. Therefore, this would be a benefit for the occupiers of the new dwelling. This would not overcome the reduction in privacy to 17 Lulworth Road.
20. It is also contended that the privacy of this outdoor amenity space to No 17 is already compromised due to the subdivided nature of 17 Lulworth Road. Whilst the property does appear to be sub-divided, this does not overcome the harm to living conditions which would be experienced from the proposal under consideration in this appeal.
21. 17A Lulworth Road contains windows in its rear projection. The SPD notes that a 21m distance must be achieved between two habitable room windows. The distance which would be achieved in this instance would fall below this guidance. As such, owing to the open and back-to-back nature of the windows within the proposed and neighbouring property, this would reduce the privacy enjoyed by the occupier of No. 17A.
22. The Council have cited that the development would have a harmful effect on the living conditions of the future occupiers of the proposed dwelling in their decision notice. However, this has not been expanded upon in the evidence provided. As such, I cannot determine or subsequently assess which element of the living conditions of future occupiers would be harmed. I have therefore not assessed this element of the reason for refusal given and it has not been determinative in my decision.
23. To conclude, the proposal would work against Policies EQ2 and HC3 of the LP and the guidance found within the SPD. These policies and guidance seek to protect the amenity of those adjacent to the site and to ensure that it would not result in an unacceptable residential environment.

Conclusion

24. For the reasons given above, the proposal would conflict with the development plan and the provisions of the Framework. There are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

J Smith

INSPECTOR