



Appeal Decision

Site visit made on 18 February 2025

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

Appeal Ref: APP/M4320/W/24/3355087

138 Bispham Road, Southport PR9 7BL

- 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 Arif Deniz against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2024/01483.
 - The development proposed is part-retrospective application for the erection of a two storey extension (Class E), First Floor Extension to Rear (Class E), Dormer to Front, and conversion of ground floor from Gym to a Convenience Shop (Class E). 24 Hours opening with hatch service only between 11pm and 6am .
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed extension has been commenced and was substantially complete on the date of my site visit. The proposal is therefore part retrospective, and I have considered the appeal on this basis.
3. The name of the applicant on the original planning application form differed from that on the appeal form. I understand this was an error and the appellant's name as stated on the application form, Mr Arif Deniz, is correct.

Main Issues

4. The main issues in this case are
 - The effect of the proposal on the living conditions of the occupants of the neighbouring dwelling No.140 Bispham Road with particular regard to outlook, privacy and overshadowing.
 - The effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is a former gym located at the junction of Bispham Road and Canning Road in Southport. Whilst the Council describe the area as being primarily residential, I take the view that is mixed in character, with both commercial premises and residential dwellings. A semi-detached house, No. 140 Bispham Road, lies immediately to the east of the site with commercial properties to the north on the other side of Bispham Road.

Living conditions

6. The appeal proposal involves a rear extension extending along the full length of the side boundary with No.140 Bispham Road. It is approximately 2.2 metres in from the boundary and includes two windows on the side elevation at first floor. The plans indicate that the first floor area would be used for retail storage. It would therefore be possible for these two windows to be obscure glazed and non-opening to protect the privacy of the occupants of the neighbouring dwelling. This could be secured by the imposition of an appropriate condition on any approval.
7. The Council have raised concern that the proposal would overshadow the rear garden of No.140. The appellant has submitted a sunlight impact assessment that considers the effect of the development on daylight and sunlight to the windows of the neighbouring property and also the garden area. This demonstrates that there would be no noticeable impact on daylight or sunlight to first floor and ground floor windows of habitable rooms.
8. In relation to the rear garden, I note that the British Research Establishment (BRE) Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st. The submitted assessment concludes that this is achieved and there would be no noticeable reduction in sunlight to the garden area. I therefore conclude that the appeal scheme would have no unacceptable effect in terms of overshadowing to the neighbouring property.
9. The Council's Officer report states that the proposed extension would also increase overshadowing to No 142 Bispham Road. Given the appellant's assessment and my observations on site, I do not agree. I find that there would be no adverse impact to this property.
10. In regard to outlook, the proposal extends the full length of the side boundary of the neighbouring property. Being two storeys in height, albeit slightly lower than the main roof of the appeal building, and due to its proximity to and extent along the side boundary, the proposal would have an overbearing impact. when viewed from the conservatory, the rear first floor habitable room windows and the garden area. It would create a feeling of enclosure and have an adverse effect on outlook for the occupants of the property.
11. Given the above, I find that the appeal proposal would cause harm to the living conditions of the occupants of No 140 Bispham Road due to loss of outlook.
12. As such the proposal would fail to comply with Policy HC3 of the Sefton Local Plan which seeks to ensure that non-residential development does not have an unacceptable impact on the living conditions of neighbouring properties.

Character and appearance

13. The Council's second reason for refusal concerns the design of the new first floor window to the Canning Road elevation of the extension and the negative impact it has on the street scene.
14. The development has removed an existing first floor extension and replaced it with a two storey element of the same height and materials as the existing building.

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15. The window installed to the first floor, is of a different design to those in the rest of this elevation. Specifically, it has no windowsill and no rounded head feature. It does not therefore reflect the symmetry of the fenestration of the existing building. In terms of the character and appearance of the area, I noted on my site visit that there are a variety of styles and design of windows in the immediate locality. Whilst the window does not completely match those of the existing building, it has the same proportion of glass to frame, is of two lights and is of the same colour. Given the above, I am not persuaded that it is so out of keeping as to negatively affect the character of the area.
 16. Accordingly, I consider that the appeal scheme would be acceptable in terms of its impact on the character and appearance of the area and would comply with Sefton Local Plan Policy EQ2 which seeks to ensure that proposals respect local character.

Conclusion

17. I acknowledge that the appellant is a local business owner and is trying to enhance both his establishment and the local community. However, whilst the appeal scheme does not result in an adverse impact on the character and appearance of the area, it causes harm to the living conditions of the occupiers of the neighbouring property, No.140 Bispham Road through loss of outlook. It therefore fails to comply with the development plan and there are no other material considerations which indicate the appeal should be determined other than in accordance with it.
18. For the reasons given above, and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR