



Appeal Decision

Site Visit made on 17 February 2025

by A Hartley LLB (Hons) Solicitor MBA

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal Ref: APP/M4320/D/24/3354307

14 Gorse Way, Sefton, Formby L37 1PB

- 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 Allen Wood against the decision of Sefton Council.
 - The application Ref is DC/2024/01300
 - The proposed development is the conversion of a detached bungalow into a two-storey dwelling, with extension to rear.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The National Planning Policy Framework (the Framework) has been updated since the appeal representations were made. However, as the revisions do not affect the matters under consideration in this appeal, (other than paragraph references) it was not considered necessary to seek further comment.
3. Prior to the determination of this appeal the views of the main parties were sought in relation to the submitted bat survey, solar panel assessment and sketch of views into the skylight of the ensuite of No. 12 Gorse Way (No.12), from the proposed first floor bedroom window in the appeal proposal.

Main Issues

4. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of Nos 12 and 16 Gorse Way, with particular regard to privacy and outlook, (ii) the solar panels at No.12 and (iii) bats.

Reasons

Living Conditions

5. The appeal property and No. 12 are bungalows. No. 16 Gorse Way (No. 16) is a detached two-storey dwelling.
6. The appeal proposal would introduce a first-floor extension, the side elevation of which would be nearer to the first-floor habitable bedroom window of No. 16 than the House Extensions - Supplementary Planning Document (2023) (SPD) requires. From my observations on site, the outlook from the window at No. 16 is already compromised to some extent as it looks across the bungalow roof of No.14. However, due to the proximity of the proposed first-floor side elevation to this

habitable room window and having regard to the fact that it is the only outlook from that room, I find that the further loss of outlook would give rise to an unacceptable effect on the living conditions of the occupiers of No. 16, creating an undue sense of overbearing.

7. My attention has been drawn to other examples in the surrounding area of properties that have a similar or even closer relationship between a side elevation and habitable first floor bedroom window. However, I do not find that the existence of other dwellings that do not provide a high standard of amenity for existing users outweighs the identified harm caused by this proposal.
8. Consequently, I find that the proposal results in an adverse overbearing impact on the outlook of No.16 due to its height and proximity to the first-floor bedroom window. It therefore conflicts with policy HC4 of the Sefton Local Plan (2017) (LP), the SPD and paragraph 135 of the Framework, all of which seek, in this case, a high standard of amenity for existing users.
9. No. 12 has a single storey en-suite bathroom at the shared boundary with the appeal property. The en-suite bathroom has a flat roof and a clear glazed skylight, which also provides some light via an internal obscurely glazed window to the lounge. The appeal proposal would introduce a first-floor bedroom window in the north elevation. The outlook from the first-floor window would include views of the roof of the en-suite and the rear garden.
10. My attention has been drawn to a sketch purporting to illustrate the lines of sight from the bedroom window into the en-suite. From my observations on site, even if views into the en-suite could be shown to be limited to the extent indicated in the sketch, I find that the relationship between the two windows would give rise to a perception of overlooking that would unacceptably adversely affect the high level of privacy that is expected to be afforded to an existing occupier in an en-suite bathroom. It would therefore cause harm to the living conditions of the occupiers of No. 12.
11. I observed on site that the rear garden of No. 12 includes a paved patio area that extends to the side boundary with No. 14 at the rear of the single-storey element of No. 12. The first-floor bedroom window would allow views directly onto the patio area. I find that due to the proximity of the patio area, where it would be reasonable to expect the occupiers to enjoy a higher degree of privacy, the appeal proposal would give rise to an unacceptable degree of overlooking that would harm the living conditions of the occupiers of No. 12 when using their garden.
12. Consequently, I find that the proposal conflicts with policy HC4 of the Sefton Local Plan (2017) (LP), the SPD and paragraph 135 of the Framework, all of which seek, in this case, a high standard of amenity for existing users.

Solar Panels

13. The Solar Panel Assessment indicates that changes could be made to the solar panels at No.12 to accommodate the appeal proposal. However, there is no evidence before me of any agreement with the neighbour or detailed plans of what such changes may be. I have therefore considered the proposal as submitted.
14. The Solar Panel Assessment submitted with the appeal indicates the appeal proposal could have a negative impact on the lower level of solar panels at No. 12

during the winter period. Although this evidence indicates the extent of impact would be limited, having regard to the Framework at paragraph 167, I attach significant weight to the need to support the energy efficiency and low carbon heating improvements to existing buildings. While sustainable energy technologies could potentially be installed to the appeal property to off-set the impact, this is not part of the proposal before me. I find that the impact on the intended performance of the solar panels at No. 12 to be unacceptable and consequently the proposal conflicts with Policy SD2(k) of the Sefton Local Plan (2017), that requires development to respond to the challenge of climate change and encourage the best use of resources and assets.

Bats

15. The Bat Roost Survey undertaken on 28th August 2024, concludes that at that time there was no evidence of bats roosting or birds nesting in the appeal property. Had I found the proposal acceptable in all other respects, having regard to the Bat Roost Survey, I find it would have been reasonable and necessary to include a condition requiring an updated bat roost survey prior to any works being carried out, to comply with the requirements of Policy NH2 of the LP. However, as I have found the proposal unacceptable for other reasons it is not necessary for me to consider this issue further.

Conclusion

16. In conclusion, having regard to all relevant representations made, I find that the appeal development conflicts with the development plan when read as a whole and with the provisions of the Framework. There are no material considerations that would justify a decision other than one in accordance with the development plan. Therefore, the appeal should be dismissed.

A Hartley

INSPECTOR