



Appeal Decision

Site visit made on 5 August 2025

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/M4320/W/25/3366828

47 Bath Street, Southport, Sefton, PR9 0DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Anthony Duffey against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2024/01854.
 - The development proposed is the installation of solar panels on the front elevation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision notice (as opposed to the original application form) as it provides a more succinct and accurate description of the proposal.
3. The provisions of the General Permitted Development Order (the GPDO) require the assessment of the prior approval appeal is based on the design and external appearance of the proposed development, taking into account any representations received. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only insofar as they are material considerations which are relevant to matters of design and external appearance.

Main Issue

4. The main issue is the effect of the design or external appearance of the proposed development on the host property and the Promenade Conservation Area.

Reasons

5. The appeal property is a mid-terrace building, in commercial use as a guest house (also referred to as Sunnyside Guest House). It is located within the Promenade Conservation Area (the CA). Bath Street is set back from the main Promenade but remains a key thoroughfare within the CA, while the appeal site is in a highly prominent position within the streetscene, near a rather open corner junction.
6. The significance of the CA is that it encapsulates the character of a traditional Victorian seaside resort. The architecture of the buildings as well as areas of public open space illustrate the prosperous 19th century and early 20th century nature of the seaside resort. Like many seaside towns, the area around the

Promenade has been subject to economic decline since its tourism heyday, which has also contributed to some deterioration of the built form. As such, the quality of buildings and public spaces are of variable condition. Nonetheless, the townscape remains of a generally high-quality and is integral to the appreciation of the CA.

7. Notably to the appeal scheme, the Promenade Conservation Area Appraisal (adopted 2017) (the Appraisal), highlights several consistent features in the CA, that help to provide strong rhythm and architectural coherence to much of the built form. Amongst other things, this includes consistency of building sizes, architectural detailing and roof forms amongst many of its streets.
8. My site visit confirmed the accuracy of the Appraisal's observations. Indeed, such qualities were apparent along Bath Street, including the appeal site, whereby the terrace properties due to their largely consistent scale and appearance, including roofscapes and materiality, displayed a regular rhythm and continuity. This is despite some examples of unsympathetic alterations to buildings along the street. Consequently, I find that the appeal site makes a positive contribution towards the character and appearance of the CA.
9. The proposed solar panels would have a relatively uniform appearance, limited overall projection and consistent dark colouring. However, it remains that their size and design would almost entirely obscure the front roof plane of the host property, whilst also resulting in a change to its profile. Furthermore, the solar panels would appear as a highly prominent and incongruous addition that would disrupt the continuity and rhythm of the slate roofs along the terrace of properties. Consequently, I find the appeal scheme would cause harm to the design and external appearance of both the host property and wider streetscene, whilst neither preserving nor enhancing the special qualities of the CA.
10. The south-facing roof elevation may provide for the greatest potential solar gains, whilst also being the appellant's preferred option due to the ability to access grant funding. However, there is a lack of detailed information or comparison as to the likely energy generation of solar panels on the rear roof slope of the property. Accordingly, it has not been suitably demonstrated that the appeal scheme has, so far as practicable, been sited to minimise the effects on the external appearance of the building or the amenity of the area¹.
11. Although the works are potentially reversible, the solar panels, and resulting harm, would be a feature of some considerable permanence. The level of harm would be less than substantial in the context of the Framework, and at the lower end of the scale.
12. There would be environmental benefits through the delivery of the proposed development, as well as some socio-economic benefits associated with the installation of the solar panels and the future operations of the appeal property.
13. Sunnyside Guest House is already award winning for its sustainability credentials, while I find the appellant's goal for the appeal property to become a net zero operation to be highly commendable. The Framework also provides support for small scale renewable energy schemes and outlines the need for the planning system to support the Government's aims of transitioning to a net zero society by 2050. Nevertheless, the Framework also promotes the conservation and

¹ As per the conditions outlined under Schedule 2, Part 14, Class J of the GPDO.

enhancement of the historic environment. Indeed, the Framework requires that great weight should be given to the conservation of heritage assets.

14. The precise level of sustainability benefits that the proposal would provide (i.e. carbon reduction/capture) have not been quantified as part of the appeal. Given the scale of the appeal proposal, however, I consider that such benefits are likely to be limited. Additionally, no suitably detailed evidence is before me to demonstrate that the viability of the guesthouse is dependent upon the proposed development, or that the works would significantly increase visitor numbers or spending in the area.
15. Consequently, I find the potential public benefits of the appeal scheme to be limited, and they do not provide clear or convincing justification to allow for the identified harm to the designated heritage asset.
16. Bringing the above together, the design and external appearance of the development would cause harm to the host property and the Promenade Conservation Area.

Other Matters

17. The appeal site does not benefit from the same permitted development rights as a dwellinghouse. Meanwhile, there is no robust reason for me to believe that in the absence of the proposed development the appeal site would cease to operate as a guesthouse or that it would be converted to alternative uses including a house in multiple occupation.
18. Despite the appellant securing grant funding for the scheme², this does not obviate the need for planning approval for the proposed works.
19. The Council's concern over the loss of the original chimney stack to the appeal property and the potential for the appeal scheme to be implemented in accordance with the proposed plans, has not influenced my above findings as to the acceptability of the proposal before me.

Conclusion

20. For the reasons outlined above, the appeal is dismissed.

Lewis Condé

INSPECTOR

² Grant funding through the UKSPF Low Carbon Eco-Innovatory (LCEI) Project. The project is a partnership between Liverpool John Moores University and University of Liverpool, funded by the UK Government.