



Appeal Decision

Site visit made on 7 October 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/M4320/W/25/3369617

35 Elm Avenue, Crosby, Sefton L23 2SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Stevie Mahoney against the decision of Sefton Metropolitan Borough Council.
- The application Ref is DC/2025/00772.
- The application sought planning permission for erection of a dormer extension incorporating a balcony to the rear elevation of the dwellinghouse without complying with a condition attached to planning permission Ref DC/2022/01514, dated 31 October 2022.
- The condition in dispute is No 2 which states that: *The development shall be carried out in accordance with the following approved plans and documents:- AL-20-002-Rev P2 - Amended proposed second floor plan, AL-01-001 Rev P2 - Amended proposed first floor plan, AE-20-001 Rev P2 - Amended existing and proposed rear elevation, AE-20-002 Rev P2 - Amended existing and proposed side elevation, AS-20-002 Rev P2 - Amended section CC, AS-20-003 Rev P2 - Amended section DD, AS-20-001 Rev P2 - Amended section AA and BB, AE-01-001 Rev P1 - Existing front and rear elevation, AE-02-002 Rev P1 - Existing side elevation, AL-00-001 Rev P1 - Location plan, AL-01-001 Rev P1 - Existing first floor and roof plan, AL-01-002 Rev P1 - Existing second floor plan, AS-01-001 Rev P1 - Existing section.*
- The reason given for the condition is: *For the avoidance of doubt.*

Decision

1. The appeal is allowed and planning permission is granted for erection of a dormer extension incorporating a balcony to the rear elevation of the dwellinghouse at 35 Elm Avenue, Crosby, Sefton L23 2SX in accordance with the application Ref DC/2025/00772, without compliance with condition number 2 previously imposed on planning permission Ref DC/2022/01514 dated 31 October 2022 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the 31 October 2022.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos, AE-20-001 Rev R2 - Proposed elevations, AE-20-002 Rev R1 - Proposed elevations, AL-00-001 Rev P1 Location Plan, AL-20-001 Rev R2 - Proposed ground and first floor plans, AL-20-002 Rev R2 - Proposed second floor plan and roof plan, AS-20-001 Rev R1 - Proposed sections A-A and B-B and AS-20-002 Rev R1 - Proposed section C-C.
 - 3) Prior to the commencement of the works a vertical and horizontal section in a scale of 1:5 of all new windows and doors should be submitted to and approved by the local planning authority. The works shall thereafter be carried out in accordance with the approved details.

- 4) Prior to the commencement of the works details and samples of the materials to be used in the external construction should be submitted to and approved by the local planning authority. The works shall thereafter be carried out in accordance with the approved details.

Preliminary Matters

2. As the proposal is in a conservation area, I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The disputed condition relates to the approved plans. Therefore the main issues in this appeal are the effect that varying the condition would have upon the character and appearance of 35 Elm Avenue (No 35) as a Non Designated Heritage Asset (NDHA) and whether the condition is reasonable and necessary in order to preserve or enhance the character or appearance of the Moor Park Conservation Area (the CA), within which the site lies.

Reasons

NDHA

4. No 35 is a detached dwellinghouse and was built in approximately 1930. It is located at the junction of Elm Avenue and Chestnut Avenue. The rear elevation of the dwelling incorporates a double storey narrow window which is a notable feature. The significance of No 35 derives from its design including characteristics associated with Voysey and the Arts and Crafts movement.
5. Policy EQ2 of the Sefton Local Plan 2017 (the SLP) outlines, amongst other things, that developments should make a positive contribution to their surroundings through the quality of their design. This is further supported by HC4 of the SLP which requires, amongst other things, for extensions and alterations to dwellinghouses to be of a high-quality design and match or complement the style of the host dwelling and the surrounding area.
6. Regarding NDHA, Policy NH15 of the SLP provides that development affecting a NDHA should be permitted where the aspects of the asset which contributes to its significance are conserved or enhanced.
7. Paragraph 216 of the National Planning Policy Framework (the Framework) highlights that the effect of an application on the significance of a NDHA should be taken into account in determining the application.
8. The proposed staircase dormer extension would extend the ribbon window feature, introduce a central pitched roof gable and use matching external materials. Whilst it would align with the rear elevation of No 35, it would, to my mind, be sympathetic to the general Voysey style which incorporates tall chimneys and gable end features.
9. Additionally, the appeal scheme would be below the ridge line of the roof of the host dwelling. Moreover, when it is considered within the context of No 35 and the surrounding dwellings as well as the previously approved scheme which featured a

single mono-pitched dormer, the proposed development would not be, in my judgement, unduly dominant in terms of scale or massing.

10. I acknowledge that some features of the Arts and Crafts movement such as steeply pitched roofs and overhanging eaves do not form part of the appeal scheme. However, given all of the above, in my judgement, the appeal scheme would conserve the significance of No 35 given that it is a NDHA.
11. In conclusion, the variation of condition 2 would not result in harm to the significance of the NDHA and would therefore comply with Policies EQ2, HC4 and NH15 of the SLP. These policies seek, amongst other things, to ensure that developments do not result in harm to the character and appearance of the surrounding area as well as conserve or enhance the significance of NDHA.

The Significance Of The CA

12. The CA is relatively small and is almost entirely residential with a small amount of recreational use.
13. The Moor Park Conservation Area Appraisal 2008 (the Appraisal) outlines that the majority of buildings in the CA are from the end of the 19th Century and early 20th Century, with a number of them having a strong Arts and Crafts influence. A predominant characteristic of the CA are the strongly defined and enclosed house plots. It also has significant tree cover. The dwellings in the CA are varied in design and character including their shape and size.
14. Due to the appeal building's position within the streetscape and its general design, it makes an important contribution to the character and appearance of the CA.

The Effect Of The Proposed Development On The Significance Of The CA

15. I have identified above that the proposed design would, in my judgement, be sympathetic to the Arts and Crafts movement and No 35. Consequently, it would, to my mind, for the same reasons assimilate with the overall character and appearance of the CA.
16. Furthermore, the proposed development would be located on the rear elevation of No 35 and given the mature hedgerows and trees surrounding the site, there would be limited views of the proposal from Chestnut Avenue. Additionally, it would be further limited from view given that the gable end element of the dormer would be located at the centre of the roof with mono-pitched dormers either side.
17. Given that it would be read in conjunction with the proposed mono-pitched dormers it would likely be read as a whole rather than individual elements. Therefore, any possible views from the hockey pitch located to the rear of No 35 into the CA would not be unacceptably harmed.
18. Interested parties have raised concerns regarding precedent concerning the perceived erosion of the characteristics of the CA. However, in this case, given its site-specific context, the appeal scheme would not result in unacceptable harm to the character or appearance of the CA.
19. Given all of the above, the variation of condition 2 would accord with the requirements of the Act and the aims of the Framework with regard to conserving and enhancing the historic environment. It would also comply with Policies EQ2,

HC4, NH9 and NH12 of the SLP insofar as they seek to ensure developments are of a high-quality design and the character or appearance of Conservation Areas are preserved or enhanced.

Other Matters

20. Regarding concerns related to privacy, the Council has not raised this as a putative reason for refusal and given the orientation of No 35 as well as the mature hedgerows and trees in the surrounding area, I find no reason to disagree.

Conditions

21. Planning Practice Guidance outlines that decision notices for the granting of planning permission under Section 73 should restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant.

Conclusion

22. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but substituting others and restating those undisputed conditions that are still subsisting and capable of taking effect.

B Astley-Serougi

INSPECTOR