

Appeal Decision

Site visit made on 18 October 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 November 2016

Appeal Ref: APP/V4305/D/16/3155508

8 Sedum Grove, Tower Hill, Kirkby, Knowsley L33 1SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Tindale against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 16/00321/FUL, dated 1 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is the construction of a tandem garage to the rear of 8 Sedum Grove, Kirkby, L33 1SX, 6" thick concrete base, metal door, spruce main structure with black shingle roof, walls stained light oak to match fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development the subject of this appeal has commenced and is substantially completed. It is therefore a retrospective development and I have determined the appeal on this basis.
3. The Council's second reason for refusal makes reference to the effect of the development on the visual outlook from 6 Sedum Grove and 11 Hosta Close. The latter dwelling however does not neighbour the appeal property and is not affected by the development. The Council appear to have referred to an incorrect address. In determining this appeal, I have considered the impact of the garage building on the neighbouring properties that immediately neighbour the appeal development.

Main Issues

4. The main issues in this case are :
 - whether the proposal would amount to overdevelopment with particular regard to the effect on the living conditions of the existing occupiers of the property in terms of the provision of amenity space and outlook;
 - the effect of the development on the living conditions of the occupants of neighbouring dwellings with particular regard to outlook.
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Reasons

Overdevelopment

5. The detached garage the subject of this appeal is located in the rear garden to 8 Sedum Grove, a semi-detached two storey house located in an established residential area. The garage is approximately 9.5 metres long, 4 metres wide and around 2.7 metres high to the ridge. It occupies more than 40% of the existing rear garden area to the property. There is also another existing outbuilding adjacent to it.
6. I consider that the garage building, having regard to its scale and height is disproportionate to the size of the rear garden and dominates the rear of the plot. It significantly reduces the available amenity space for the occupants of the dwelling. Furthermore the garage is sited around 1.3 metres from the rear elevation of the house. In this position I consider it adversely affects the outlook from the rear habitable room windows for the occupants of the dwelling. I accept that it is very common for garages or other outbuildings to be positioned at the end of a driveway in a rear garden. However such buildings are usually much smaller and appropriate to their residential context.
7. I consider therefore that the appeal proposal forms overdevelopment of the site causing harm to the living conditions of the existing occupiers of the dwelling. It conflicts with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy 2016 and Saved Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan (UDP) 2006. These policies amongst other things seek to ensure that development does not adversely affect amenity, does not result in a disproportionate addition to the original dwelling and provides adequate garden space for residents.
8. I note that the appellant has questioned the relevance of some of the above Policies, in particular Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy. These are overarching strategic policies which seek to deliver sustainable communities and healthy environments. I consider that they are relevant to the appeal in that they set down the principles for all development in Knowsley. Policy H8 of the Knowsley Replacement UDP is relevant because it considers new development in Primarily Residential Areas as well as changes of use and redevelopment of existing buildings. I also consider Policy H8 of the UDP to be directly relevant as it specifically considers domestic garages.

Living Conditions

9. The appeal building has a height of approximately 2.7 metres to the ridge and 2.4 metres to the eaves. The rear garden fence on the boundary of the appeal property and Nos. 5 and 7 Hyacinth Avenue, is approximately 1.8 metres high. The garage building is therefore significantly higher than the rear fence and results in a poor outlook from the rear windows and garden area for the occupiers of the properties to the rear.
10. The neighbouring property No. 6 Sedum Grove is set at a higher level than the appeal site. As a result of the different garden levels, the side boundary fence is over 2 metres in height when viewed from the garden to the appeal property. The appeal building projects above the side boundary fence by around half a metre. As the building extends along the majority of the side

garden boundary to No. 6, it results in a poor visual outlook for the occupants of this property.

11. I consider that the development causes harm to the living conditions of the occupants of neighbouring dwellings with regard to outlook. It is therefore contrary to Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy 2016 and saved Policies H5 and H8 of the Knowsley Replacement UDP 2006 which along with other objectives, aim to safeguard the amenities of adjoining occupiers.

Other matters

12. I acknowledge that the development does not cause any harm as a result of noise, disturbance, smells, fumes or on street parking and has no adverse impact on the street scene; all criteria set down in Policy H5 of the UDP. Furthermore the garage is constructed in sympathetic materials and is not unacceptable in terms of design, thereby meeting criteria (b) of UDP Policy H8. Whilst these factors weigh in favour of the development they do not outweigh the harm I have identified in terms of overdevelopment and the effect on living conditions for the occupiers of the neighbouring dwellings.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR