
Appeal Decision

Site visit made on 15 November 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/M4320/D/16/3157331

41 Lancaster Road, Birkdale, Southport PR8 2LA

- 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 Ms Lynda Headley against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2016/00370, dated 17 February 2016, was refused by notice dated 6 May 2016.
 - The development proposed is an infill installation allowing occupants a covered entrance into the pool.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions of the occupiers of No 39 Lancaster Road in respect of outlook and light.

Reasons

3. The appeal site comprises a large detached house which is located within an established residential area. It is proposed to erect a bronze zinc clad infill extension to the rear of the house. It would measure about 6.6 metres from the rear wall of the house (parallel with the rear wall of the existing pool) and 3.8 metres in width. It would also include an attached bronze zinc clad privacy screen which would project approximately a further 4.6 metres into the rear garden (in part screening an existing hot tub). The extension and privacy screen would be built close to the boundary with No 39 Lancaster Road.
4. The appeal property is larger than No 39 Lancaster Road and it already projects beyond the rear elevation of this neighbouring detached house. I acknowledge the appellant's comments that the 45 degree guideline, as outlined in the Council's House Extensions Supplementary Planning Document 2016 (SPD), has already been breached. However, the existing arrangement is such that the pool building is set in by some distance from the boundary with No 39 Lancaster Road (a "dog leg" relationship) and hence this minimises the impact of the appeal property upon the garden area and rear windows of this neighbouring property.
5. Whilst there would be a small gap between the proposed development and the fencing on the party boundary with No 39 Lancaster Road, I consider that

owing to the height and rear projection of the development it would have an unacceptably enclosing and dominating effect when viewed from the rear garden / ground floor rear windows of No 39 Lancaster Road. I acknowledge that part of the development would be screened by the existing boundary fence and that the proposed development does gradually reduce in height.

Nonetheless, in the main the development would be significantly higher than the fence and would be conspicuous and oppressive when viewed by the occupiers of the neighbouring residential property.

6. Whilst there is already a breach of the 45 degree guidelines, this does not justify allowing further unacceptable rear projections. Given the orientation of the appeal property with No 39 Lancaster Road, and the scale of the development proposed, at mid-day in particular there would be an unacceptable loss of sunlight to the rear garden area and windows of No 39 Lancaster Road. The appellant has indicated that it may be possible to remove the privacy screen or to reduce it in height. I acknowledge such possibilities, but I am required to determine this appeal based on the plans as submitted.
7. For the above reasons, I conclude that the proposal would cause significant harm to the living conditions of the occupiers of No 39 Lancaster Road in respect of loss of light and outlook. Therefore, the proposal would not accord with the amenity aims of saved Policy MD1 of the Sefton Unitary Development Plan 2006; Policy HC4 of "A Proposed Local Plan for Sefton" (Proposed Modifications June 2016); the SPD and the National Planning Policy Framework.

Conclusion

8. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR