
Appeal Decision

Site visit made on 21 February 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 24 February 2017

Appeal Ref: APP/Z4310/D/16/3164654

2 Manderston Drive, West Derby, Liverpool L12 4DA

- 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 Stephen Tym against the decision of Liverpool City Council.
 - The application Ref 16H/2005, dated 20 July 2016, was refused by notice dated 23 September 2016.
 - The development proposed is a two storey extension at side and single storey extension at rear and front.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity, given the different spellings of the appellant's name on the application and appeal forms, I have used the version confirmed by the appellant in writing at the top of this decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the residential occupants of 23 Crawford Close, with regards to outlook, sunlight and daylight.

Reasons

4. The appeal site is a two storey semi-detached property which is part of a relatively modern residential development on Manderston Drive. To the side and rear of the property is a landscaped garden enclosed by a timber close boarded fence that is adjacent to 23, 25 and 27 Crawford Close. The front elevation of No 23 contains multiple large window openings at ground and first floor. These windows are not however directly parallel to the existing flank elevation of No 2, due to the siting of the property on a slight angle.
 5. The Council's Supplementary Planning Guidance Note 10 (SPG10) sets out that *"Proposal will normally be required to satisfy the minimum standards for space around buildings outlined."* In this regard it explains that *"particular attention should be paid to: the protection of outlook in small infill developments and ensuring compatibility of plot widths with adjacent housing plots."* SPG10 sets out in terms of the relationship between Nos 2 and 23 that *"habitable room windowed elevations facing single and two storey flanked walls should be a*
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minimum distance of 15m apart.” Habitable rooms are identified as living rooms, bedrooms, dining rooms and kitchens in the Council’s Supplementary Planning Guidance Note 1 (SPG1).

6. The proposed side extensions would extend roughly 3 metres from the existing flank elevation of the property. Thus, they would reduce the current interface distance from about 15 metres to roughly 12 metres between the front elevation of No 23 and the flank elevation of No 2. The first floor windows in No 23 serve bedrooms. While the ground floor window nearest to Manderston Drive serves a living room. This room also has an opening in the rear elevation.
7. The windows in the front elevation of No 23 face in a south easterly direction. As a result of the proposed side extensions, the proposal would not comply with the distance prescribed in SPG10, even though I note that the main thrust of the reason for refusal focusses on the two storey side extension. As such, I have focussed my findings on this part of the scheme, but I am aware that the central two storey extension would drop down to single storey at either end.
8. Notwithstanding the siting of No 23, I consider that the proposed two storey side extension would introduce a dominant built form in close proximity to the front elevation of No 23. This would significantly affect the outlook from the ground and first floor windows of this property, leading to an overbearing impact that would detrimentally affect the living conditions of the occupants.
9. The proposal would also have a bearing upon the sun and daylight received in No 23. However, the front elevation of No 23 faces south east and the land to the east of the property is open in nature, which is aided by the line of Manderston Drive. I do not therefore consider that the occupants of No 23 would, despite my concerns in relation to outlook, suffer any significant affect in terms of sun and daylight.
10. Although no objections have been raised by the occupants of No 23 or indeed any neighbouring occupants, I have determined this appeal in accordance with the development plan, unless material considerations have indicated otherwise.
11. Even though I concur with the Council that the design of the single storey extensions are acceptable, as they are linked to the two storey extension which I have found would be harmful, they are not severable from one another.
12. For these reasons, I therefore conclude that the proposed development would significantly affect the living conditions of the residential occupants of 23 Crawford Close, with regards to outlook. The proposal would not accord with saved Policy H8 of The City of Liverpool Unitary Development Plan and SPG’s 1 and 10. Together these seek, amongst other things, to ensure that house extensions preserve the level of privacy and amenity for neighbours so that they do not have an unacceptable overbearing affect.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR