
Appeal Decision

Site visit made on 24 April 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 17 May 2017

Appeal Ref: APP/M4320/D/17/3168964

16 Glaisdale Drive, Southport, Merseyside PR8 6XQ

- 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 Paul Spencer against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2016/01766, dated 24 August 2016, was refused by notice dated 30 November 2016.
 - The development proposed is a 1st floor extension to the rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A Local Plan for Sefton (LP) was adopted on 20 April 2017. All parties have had the opportunity to comment on the change in status of the document in terms of the relevance to their case. The Council confirmed that upon adoption, Policies EQ2, HC3 and HC4 of the LP replaced Policies MD1 and H10 of the Sefton Unitary Development Plan (UDP). Furthermore, the Council have also confirmed that the decision notice incorrectly referred to Policy DQ2 rather than Policy DQ1 of the UDP, with the latter policy in any case having also been replaced by the listed LP policies. The UDP policies that have been replaced no longer form part of the development plan and I, therefore, give them no weight in determining this appeal.

Main Issue

3. The main issue of the appeal is the effect on the living conditions of occupiers of neighbouring properties, with particular regard to No 14 Glaisdale Drive and matters of outlook.

Reasons

4. The appeal site consists of a two-storey end terrace property within a row of three, located adjacent to the turning head of the Glaisdale Drive cul-de-sac within a primarily residential area. The terraced row has a consistency of main building lines. However, the appeal property has a front and rear gable design which differs from the side gable roof design of the adjoining properties, and it also has a single storey rear extension of approximately 3m in depth.
 5. Policies EQ2, HC3 and HC4 of the LP when taken together, amongst other things, seek that extensions and alterations are designed so that there shall be
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no significant reduction in the living conditions of the occupiers of neighbouring properties. Policy HC4 makes particular reference to extensions not resulting in a loss of outlook or an overbearing or over-dominant effect on neighbouring habitable rooms, significant loss of light/overshadowing for neighbours or a significant loss of privacy. The Sefton House Extensions Supplementary Planning Document (SPD), adopted March 2016, provides additional guidance in those respects.

6. The first floor extension would consist of a depth of approximately 3m above the existing extension that is located close to the boundary with No 14 Glaisdale Drive (No 14), which has not been previously extended at the rear. The proposal would, therefore, conflict with the guidance in the SPD in so far as it requires that a two storey rear extension should be 2m from the boundary with a neighbouring property that has not been extended.
7. The rear gable design of the extension would have an eaves and ridge height of roof that would match those of the original dwelling. The resultant depth, scale, bulk and massing of the first floor extension in close proximity to No 14 would have a considerable overbearing and over-dominant effect upon the ground floor habitable windows in the rear elevation of No 14, with a consequent loss of outlook. The northern aspect of the rear elevations of the properties would prevent a significant overshadowing effect or loss of light to No 14 and its rear garden. Nevertheless, the overbearing and over-dominant effect of the extension upon No 14 would significantly harm the existing living conditions of its occupiers.
8. The absence of proposed windows in the side elevation of the extension would prevent any concerns in terms of matters of overlooking and the privacy of occupiers of No 14. Furthermore, the absence of windows in the side elevation of No 9 Handsworth Walk, which adjoins the rear boundary of the appeal site, would prevent any harm to the living conditions of the occupiers of that property. However, the absence of concern in those respects is a neutral factor and does not outweigh the harm otherwise identified.
9. I have taken into account that the current occupiers of No 14 have offered no objections. However, the extension would be a permanent feature with potential to remain beyond the occupation of No 14 by its existing occupiers. Consequently, the absence of objection from neighbours does not justify the harm identified. I understand the wish of the appellant to provide additional living space for his family and reside in the local area to ensure close proximity to an existing school. However, although the appellant has referred to the absence of suitable and affordable alternative properties in the local area and potential constraints upon an alternative side extension, there is no detailed evidence in those respects which limits the weight I can give. The personal circumstances put forward do not outweigh the harm identified.
10. The appellant has drawn my attention to an example of a large two storey rear extension at No 17 Ingleton Road which I observed during my visit. However, I do not have the full details of the circumstances that led to that development being accepted and its relationship to neighbouring properties is different to the proposal before me. In any case, that existing extension is in the minority within the surrounding area and should not be seen as setting a precedent that would justify the harm arising from the proposal. I necessarily determine this appeal based upon its own individual merits.

11. I conclude that the development would significantly harm the living conditions of occupiers of No 14 Glaisdale Drive. The proposal would, therefore, conflict with Policies EQ2, HC3 and HC4 of the LP and the related guidance in the SPD. The policies are consistent with the core planning principle of the National Planning Policy Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

12. For the above reasons, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR