
Appeal Decision

Site visit made on 20 June 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 11th July 2017

Appeal Ref: APP/Z4310/D/17/3175837
61 Garmoyle Road, Liverpool, L15 3JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Simon Lawrence against the decision of Liverpool City Council.
 - The application Ref 17PH/0937, dated 29 March 2017, was refused by notice dated 9 May 2017.
 - The development proposed is to erect a single storey extension at rear:
 - the extension will extend 4.32m beyond the original house;
 - the maximum height of the extension will be 3.538m;
 - the height of the extension to the eaves will be 2.455m.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) to erect a single storey extension at rear: the extension will extend 4.32m beyond the original house; the maximum height of the extension will be 3.538m; the height of the extension to the eaves will be 2.455m, at 61 Garmoyle Road, Liverpool, L15 3JH in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4 (2) of the GPDO.

Application for costs

2. An application for costs was made by Mr Simon Lawrence against Liverpool City Council. This application will be the subject of a separate Decision.

Procedural Matter

3. The description of development set out above has been taken from the Council's Decision Notice and the Appeal Form. This reflects a change of wording that was agreed between the main parties and the application was determined on that basis.

Background and Main Issue

4. The GPDO enables the enlargement, improvement or other alteration of a dwellinghouse, provided certain criteria are met. Until 30th May 2019, provisions exist under Schedule 2, Part 1, Paragraph A.1 (g) for a larger single

storey rear extension to be constructed, subject to a prior approval procedure being followed.

5. Paragraph A.4 (5) of the GDPO states that the local planning authority must notify each adjoining owner or occupier about the proposed development. Where an adjoining owner or occupier objects to the development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.
6. Accordingly, the main issue is whether the impact of the proposed development on the amenity of adjoining premises is a relevant consideration in this case.

Reasons

7. The Council received 2 objections to the prior notification consultation; one from a local Councillor and another from a local resident. On that basis, the impact of the development on the amenity of adjoining properties was considered.
8. Paragraph A.4 (7) of the GDPO states that:
*"Where any **owner or occupier of any adjoining premises** objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises."* (my emphasis)
9. The local resident who objected to the development did not provide their address, but stated that *"a neighbour who lives near it has brought it to my attention"*. This strongly implies that they are not an adjoining owner or occupier. The local Councillor also did not identify themselves as an adjoining owner or occupier. Moreover, neither objector claimed to speak on behalf of an adjoining owner or occupier.
10. In these circumstances, Paragraph A.4 (7) of the GDPO was not engaged. Accordingly, the Council should not have considered the impact of the proposed development on the amenity of adjoining properties.
11. Whilst Paragraph A.4 (9) requires that the local planning authority take into account any representations received, it is clear that this only applies when considering the impact referred to in Paragraph A.4 (7).
12. For the above reasons, I conclude that the impact of the proposed development on the amenity of adjoining premises is not a relevant consideration in this case.

Other Matter

13. There is no persuasive evidence before me that the appeal property is used, or is intended to be used, as a house in multiple occupation. In this regard, I note that the Council has accepted that the property constitutes a dwelling.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GDPO requires at Paragraphs A.4 (13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall

notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Thomas Hatfield

INSPECTOR