

Appeal Decision

Site visit made on 9 November 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 29 November 2019

Appeal Ref: APP/H4315/D/17/3181588

16 The Beeches, Sutton Leach, WA9 4SU

- 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 Farrelly against the decision of the St Helens Council.
 - The application Ref P/2017/0368/HHFP, dated 28 April 2017, was refused by notice dated 27 June 2017.
 - The development proposed is a two storey extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to the rear at 16 The Beeches, Sutton Leach, WA9 4SU in accordance with the terms of the application, Ref P/2017/0368/HHFP, dated 28 April 2017, subject to the conditions set out in the attached schedule

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers, with regards to privacy.

Reasons

3. The appeal property is a two storey detached dwelling. It is located in a residential area. Houses along The Beeches comprise similar two storey detached dwellings with small parking areas and/or gardens to the front and long garden areas to the rear.
 4. The houses tend to be built close together, such that they largely fill the width of their plots. However, the presence of garden land, occasional open space, planting and trees has a softening impact and provides for a sense of greenery and spaciousness.
 5. During my site visit, I observed that the rear elevation of the appeal property, like those of its neighbours to either side, faces directly towards the rear of single storey dwellings along Axbridge Avenue. However, I also noted that the long length of the appeal property's garden, combined with the short rear gardens of properties along Axbridge Avenue, provides for a significant sense of separation between the rear of dwellings.
 6. I observed during my site visit that the presence of mature, thick and tall planting between the appeal property and dwellings along Axbridge Avenue,
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adds to this strong sense of separation, as does the presence of sheds and fencing. In addition, the low height of the bungalows along Axbridge Avenue, means that they are largely obscured, rather than clearly visible, from the rear of the appeal property.

7. As a consequence of all of the above, whilst the first floor rear windows of the appeal property face directly towards those of No 43 Axbridge Avenue and towards the conservatory of No 41 Axbridge Avenue, barely any impact arises in respect of overlooking.
8. I find that, due to this relationship, the proposed development which would result in a two storey projection to the rear of the appeal property, would have little discernible impact in respect of the privacy of the occupiers of Nos 41 and 43 Axbridge Avenue. In this regard, I am also mindful that the occupiers of those two properties have both submitted representations stating that their privacy would not be impaired by the proposal.
9. Thus, whilst I acknowledge the Council's reference to Supplementary Planning Document, Householder Development (2011) in respect of separation distances, I find that the proposal would not result in any significant harm in respect of privacy.
10. Taking the above into account, I find that the proposal would not harm the privacy of neighbouring occupiers, and that consequently, it would not be contrary to the Framework or to UDP¹ Policy GEN8 which, together amongst other things, seek to protect residential amenity.

Other Matters

11. A representation has been received in respect of the proposal resulting in a loss of light to the rear of a neighbouring property along The Beeches. Whilst I note that this was not a matter of concern raised by the Council in refusing the application, I am also mindful that there is no substantive evidence before me to demonstrate that the proposal would result in a significant loss of daylight to neighbouring properties.

Conditions

12. I have considered the conditions suggested by the Council against the six tests set out in paragraph 206 of the Framework. A condition relating to the relevant plan is necessary for the avoidance of doubt and in the interest of proper planning.
13. A condition controlling materials is necessary to protect local character.

Conclusion

14. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

¹ St Helens Unitary Development Plan (Originally adopted 1998. Saved 2007).

**Schedule of Conditions attached to
Appeal Decision APP/H4315/D/17/3181588
16 The Beeches, Sutton Leach, WA9 4SU**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: "Proposed 1:100@A1 UNLESS STATED" (NB, the approved plan, as submitted, is not numbered).
 - 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
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